



SOUTHERN RHODESIA

CONSTITUTIONAL CONFERENCE HELD AT LANCASTER HOUSE, LONDON SEPTEMBER - DECEMBER 1979

REPORT

1. Following the Meeting of Commonwealth Heads of Government held in Lusaka from 1 to 7 August, Her Majesty's Government issued invitations to Bishop Muzorewa and the leaders of the Patriotic Front to participate in a Constitutional Conference at Lancaster House. The purpose of the Conference was to discuss and reach agreement on the terms of an Independence Constitution, and that elections should be supervised under British authority to enable Rhodesia to proceed to legal independence and the parties to settle their differences by political means.

2. The Conference opened on 10 September under the chairmanship of Lord Carrington, Secretary of State for Foreign and Commonwealth Affairs. The Conference concluded on 15 December, after 47 plenary sessions. A list of the official delegates to the Conference is at Annex A. The text of Lord Carrington's opening address is at Annex B, together with statements made by Mr Nkomo on behalf of his and Mr Mugabe's delegation and by Bishop Muzorewa on behalf of his delegation.

3. In the course of its proceedings the Conference reached agreement on the following issues:

— Summary of the Independence Constitution (attached as Annex C to this report)*

—arrangements for the pre-independence period (Annex D)

—a cease-fire agreement signed by the parties (Annex E)

4. In concluding this agreement and signing this report the parties undertake:

(a) to accept the authority of the Governor;

(b) to abide by the Independence Constitution;

(c) to comply with the pre-independence arrangements;

(d) to abide by the cease-fire agreement;

(e) to campaign peacefully and without intimidation;

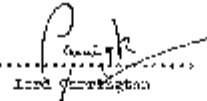
(f) to renounce the use of force for political ends;

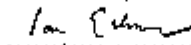
(g) to accept the outcome of the elections and instruct any forces under their authority to do the same.

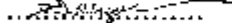


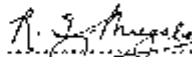
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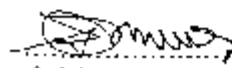
*The Constitution, which was enacted by Order in Council on 6 December 1979, gives full effect to this Summary.

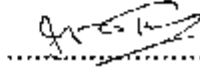

Lord Carrington


Sir I Gilmour, Bt.


Bishop A M Haverone


Mr K W Hagata


Dr S C Gundawaruna


Mr J H Skene

ANNEX A

LIST OF DELEGATES

UNITED KINGDOM DELEGATION

Lord Carrington (Chairman)

Sir I Gilmour Bt

Sir M Havers*

Lord Harlech*

Mr R Luce

Sir M Palliser

Sir A Duff*

Mr D M Day

Mr R A C Byatt*

Mr R W Renwick

Mr P R N Fifoot

Mr N M Fenn

Mr G G H Walden

Mr C D Powell

Mr P J Barlow

Mr R D Wilkinson

Mr A M Layden

Mr R M J Lyne

Mr M J Richardson*

Mr C R L de Chassiron*

Mrs A J Phillips*

Mr M C Wood



*Replaced by Sir J Graham, Mr S J Gomersall, Gen M Farndale, Mr R Jackling, Col A Gurdon, Col C Dunphie and Mr B Watkins for some sessions of the Conference.

MR MUGABE, MR NKOMO AND DELEGATION

Mr J M Nkomo
Mr J M Chinamano
Mr E Z Tekere
Gen J M Tongogara
Mr E R Kadungure
Dr H Ushewokunze
Mr D Mutumbuka
Mr J Tungamirai
Mr E Zvobgo
Mr S Mubako*
Mr W Kamba
Mr J W Msika
Mr T G Silundika*
Mr A M Chambati
Mr John Nkomo*
Mr L Baron*
Mr S K Sibanda*
Mr E Mlambo*
Mr C Ndlovu*
Miss E Siziba

*Replaced by Mr W Musarurwa, Mr D Dabengwa, Mr A Ndlovu, Mr R Austin, Mr R Mpoko, Mr R Manyika and Mr L Mafela for some sessions of the Conference.

BISHOP MUZOREWA AND DELEGATION

Bishop A T Muzorewa
Dr S C Mundawarara
Mr E L Bulle
Mr F Zindoga
Mr D C Mukome*
Mr G B Nyandoro*
Rev N Sithole
Mr L Nyemba*
Chief K Ndiweni
Mr Z M Bafanah*
Mr I D Smith
Mr D C Smith
Mr R Cronje



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Mr C Andersen
Dr J Kamusikiri
Mr G Pincus*
Mr L G Smith
Air Vice Marshal H Hawkins
Mr D Zamchiya
Mr S V Mutambanengwe
Mr M A Adam
Mr P Claypole

*Replaced by Mr A R McMillan, Mr D V M Bradley, Gen P Walls, Mr K Flower and Mr P K Allum for some sessions of the Conference.

SECRETARIAT

Mr J M Willson
Mr R S Dewar
Mr R P Ralph
Mr N E Sheinwald



ANNEX B

OPENING SPEECHES BY LORD CARRINGTON (CHAIRMAN), MR NKOMO AND BISHOP MUZOREWA

Lord Carrington: I am glad to welcome you to this Conference and to open its proceedings.

When the British Government issued invitations to this Conference on 14 August, after extensive consultations, we naturally hoped for and expected a positive response. Our consultations had revealed a strong desire that the United Kingdom should take the initiative in making a further attempt to achieve a final settlement of the problem of Rhodesia, in fulfilment of its constitutional responsibilities. There was also a widespread feeling that continuation or intensification of the war was not in the best interests of any of the parties to the dispute, nor of the people of Rhodesia as a whole. Nevertheless, it is not a simple matter for those who have been involved in a bitter and tragic military confrontation to sit round a conference table together. The British Government felt strongly that it had the responsibility to bring that about.

When inviting you here we appealed to you, in the interests of the people of Rhodesia, to approach these negotiations in a positive spirit and to seek to build up areas of agreement. We hope thereby to lay the foundations for a free, independent and democratic society in which all the people of Rhodesia, irrespective of their race or political beliefs, would be able to live in security and at peace with each other and with their neighbours. The act of coming together is important. It is now up to us to build on that.

Since 1965, and indeed long before, many meetings have been held to try to resolve this problem. I am under no illusions, nor are any of my colleagues with me under any illusion, about the magnitude of the task before us. The problem is one which has defeated the efforts of successive British Governments, all of whom sought to achieve the objective of a peaceful settlement in conditions which would guarantee to the people of Rhodesia the full enjoyment of their rights. But I have no intention of going back over the history of those attempts; and I hope that you also will be prepared to look to the future rather than to the past.

I would like to hope that there is a difference between this meeting and those which have preceded it. This is a constitutional conference, the purpose of which is to decide the proper basis for the granting of legal independence to the people of Rhodesia. Many conferences like this have been held in this very building. A great many former dependent territories of the United Kingdom have successfully made the transition to independent statehood on the basis of constitutions agreed here. It is our intention to approach this Conference on the basis of the same principles and with no less strong a determination to succeed than in the case of those other conferences, which resulted in the granting of independence by this country to our former dependent territories. I believe that we can take some pride in the part we have played at conferences held at Lancaster House in the process of decolonisation. As Commonwealth leaders agreed at Lusaka, Britain has had no lack of experience as a decolonising power.



The agreement reached at Lusaka has made it possible for the British Government to convene this Conference with the very real hope that it will lead to an internationally acceptable settlement. I would like to pay tribute to the Commonwealth Heads of Government and the Commonwealth Secretary-General, all of whom worked so hard at Lusaka to establish an agreed position. In summary, the Commonwealth Heads of Government at Lusaka confirmed that they were wholly committed to genuine majority rule for the people of Rhodesia, and accepted that this requires the adoption of a democratic constitution including appropriate safeguards for minorities. They reiterated that it is the responsibility of the British Government to grant legal independence to Rhodesia. They agreed that the government formed under the independence constitution must be chosen through free and fair elections, properly supervised under British Government authority, and with Commonwealth observers.

They welcomed the British Government's intention to convene this Conference, and recognised that the search for a settlement must involve all parties to the conflict. We should do well, I think, to bear in mind throughout our discussions the framework thus set out in the Lusaka communique. Not only does it incorporate the views of the British Government, but it sets out the approach which the Commonwealth will support and which will gain international acceptance.

Against this background I approach the search for a fair constitutional settlement in Rhodesia with the conviction that it is illusory to think that any settlement can fully satisfy the requirements of either side. An agreement can only be reached if there is a willingness to compromise.

The British Government has put to you an outline of the kind of constitution on the basis of which we would be prepared to grant independence. We wish to discuss these proposals with you at this Conference, and will be prepared to elaborate them in the light of our discussions. If we can reach agreement at this Conference, there will be an end to the war. That is an outcome which I believe will be greeted with immense relief by the people of Rhodesia and throughout Africa. Rhodesia will proceed to legal independence with a government formed by whichever party and whichever leader can show that they command the confidence of the people. I must confess that I find it difficult to see how any party or group or leader can hope to benefit from what would follow failure to reach agreement along the general lines we have put before you, and those who would suffer most would be the people of Rhodesia, towards whom our real responsibility lies.

A quarter of the population of Rhodesia has been born since 1965. Their lives have been overshadowed, not merely by a tragic and unnecessary political dispute, but by armed conflict. Many of them have died as innocent victims of the war. Or they have lost their parents, or their brothers or their sisters. Or they have lost their homes. Many of them, black and white, face the prospect of themselves having to fight, on one side or the other, or of being deprived indefinitely of peaceful residence in the land of their birth - a quarter of a million people are now in refugee camps in other countries. If we, who are assembled in this room, cannot agree on a way to end the fighting and to provide for you to settle your differences by political means, this is what will happen.



This generation now at risk had no part in the initial causes of the conflict. It was not born when the problem of Rhodesia came to a crisis in 1965. But now there is acceptance by all the parties of a society free from racial discrimination, of universal suffrage and majority rule. We can make this objective a reality if - and only if - we are prepared to look at the problems on the basis of principles on which both sides should be able to agree. I believe that the people assembled in this room have it in their power to end the war and to enable the people of Rhodesia to decide their future by peaceful means. We - you and I - bear a heavy responsibility, and I do not believe that the people of Rhodesia will readily forgive any party which deprives them of this opportunity to settle their future by peaceful means. That is a thought which should be in all our minds throughout the whole of this Conference.

It is, I must say, a matter of great regret and disappointment to me and my colleagues that hostilities are continuing during this Conference. Progress towards agreement on political issues - which I hope we are all determined to achieve - will by definition mean progress towards removing the causes of the war. It must be our objective to proceed as soon as possible to a stage at which there can be agreement on a ceasefire. We shall fall short of what we ought to achieve for the people of Rhodesia if we do not give them a chance to make a fresh start, its causes and its consequences put firmly in the past.

Gentlemen, Britain has at times, and variously, been described on the one side as choosing to stand with arms folded on the touchline; and on the other as not being serious in its determination to decolonise. Let me assure you today, if anyone is in any doubt, that we could not be more serious in our intention to achieve a satisfactory basis for the granting of legal independence for the people of Rhodesia, and in this attempt to bring about an end to the war.

Since we were elected the government of this country at the beginning of May we have engaged in extensive consultations on the best way of achieving these objectives. Lord Harlech visited Africa early in the life of this Government to consult with the parties to the dispute and with the Commonwealth and other African governments most closely concerned. He found a general conviction that a solution to the problem of bringing Rhodesia to legal independence must stem from Britain as the constitutionally responsible authority, and that we must put forward proposals to achieve that objective. He also found that there was criticism of the present constitutional arrangements, in particular of the blocking power given to the white minority over a wide range of legislation, and of the character of the Public Service and other Commissions.

In the period of consultations, we made it clear that we would attach particular importance to the Commonwealth Heads of Government Meeting at Lusaka. At Lusaka the British Prime Minister said that the British Government were wholly committed to genuine majority rule in Rhodesia. The principle of majority rule has been accepted by all the delegates at this Conference. The Prime Minister, at Lusaka, also recognised the importance of encouraging the European minority to remain as an integral part of the community. The Prime Minister emphasised that Britain fully accepted its constitutional responsibility to bring Rhodesia to legal independence on a basis of justice and



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democracy, comparable with the arrangements we have made for the independence of other countries.

The British Government took action immediately to give effect to the Lusaka declaration by convening this Conference and by putting forward constitutional proposals in accordance with the principles which were agreed at Lusaka and which have formed the basis for other independence constitutions in Africa and elsewhere.

The constitution is the fundamental problem to which we must address ourselves. I am of course well aware that there are other aspects of a settlement which must in due course be resolved. But it is essential to the prospects of success that we should first seek agreement on our destination - which is the independence constitution. If that can be achieved it will be necessary to decide the arrangements to give effect to that agreement. The British Government has stated clearly that it will be prepared to accept its full share of the responsibility for the practical implementation of those arrangements. The central element will be free and fair elections, properly supervised under British Government authority.

The British Government's outline proposals for an independence constitution have been before you for four weeks. I did not suggest that this Conference should be held on the basis of prior acceptance of this document. Instead, I would like to take the document as the starting point for our discussions. The British Government have been asked to put forward proposals and we have done so. Unless there is a focus for our discussion it will be impossible to make progress.

There are certain general points which I would make in introducing them. First, as the constitutional authority for Southern Rhodesia, the United Kingdom intends to take direct responsibility for the independence constitution. What you have before you are the British Government's proposals, taking account of the points made to us in our consultations. They are intended to give effect to the principles which have been accepted by successive British Governments as the proper basis for independence, and you will recollect them very clearly. They are that the principle of majority rule must be maintained and guaranteed; that there must be guarantees against retrogressive amendments to the constitution; that there should be immediate improvement in the political status of the African population; that racial discrimination is unacceptable; that we must ensure that, regardless of race, there is no oppression of majority by minority or of minority by majority; and that what is agreed must be shown to be acceptable to the people of Rhodesia.

Second, our proposals are comparable to the basis on which the United Kingdom has granted independence to other former dependent territories, in particular those in Africa. We have no doubt, therefore, that a solution on this basis will be accepted by the international community, as giving effect to the principles we have accepted in granting independence to other former dependent territories. In the case of Rhodesia, as in all other cases, a constitution must take account of special circumstances. But the broad lines of independence constitutions are clear enough; and in the precedents there are points which can help us towards a solution, for example on the representation of minorities.



Third, we have made it unequivocally clear that our constitutional proposals represent in outline the kind of constitution on the basis of which the British Government would be prepared to grant legal independence. If agreement could be reached on alternative proposals which meet the British Government's criteria, we would be ready to grant independence on that basis. But we believe that the best hope of success lies in negotiation on the lines we have proposed, in accordance with the Commonwealth declaration.

If it is possible to get agreement on the general framework for the independence constitution, the British Government will be prepared to put forward more detailed proposals to give effect to that agreement. We shall therefore have further suggestions to put before the Conference. But, before we advance to that stage, we must establish what measure of agreement exists on the outline proposals, and where the major difficulties, if any, will lie. As the first step, therefore, I shall hope to hear your views on the outline proposals.

Before inviting you, in our next session - because I think it would be appropriate to leave it to the next session - to state your positions on the constitutional framework for independence, I would like very briefly to speak about the arrangements to give effect to an agreement on the constitution.

In other countries approaching independence, the United Kingdom's role has invariably been to establish just conditions for independence, and not to encourage the aspirations of this or that party. Our role in Rhodesia will be the same as in other dependent territories. The international community is well aware of this and of our constitutional responsibility. In many countries we have handed over power to people who had previously been confirmed opponents of the policy of the United Kingdom, if they have been elected by the people of their countries. In the position which we agreed with other Commonwealth Governments at Lusaka, we stated that there must be free and fair elections, properly supervised under British Government authority and with Commonwealth observers. This has been accepted by all Commonwealth Governments; and, as I have already said, the British Government will be ready to carry out its responsibilities in this regard.

I turn now briefly to the way in which we might proceed at this Conference. The Conference is being held under my Chairmanship. I attach the highest priority to bringing it to a successful conclusion, and I assure you I intend to play the fullest part in the proceedings. At times when I am prevented from being here, I would propose to ask the Lord Privy Seal, Sir Ian Gilmour, to take the Chair.

We have made no attempt to fix the duration of the Conference. I hope that we can move forward rapidly. I trust that we can show real progress towards agreement on the constitution. We for our part are prepared to continue for as long as it is necessary, provided of course that progress is being made. In the opening plenary sessions I would ask you to set out fully your views on constitutional questions and on the outline proposals before the Conference, as I have done. Depending on the progress made, it might then be appropriate to consider aspects of the constitution in more detail, perhaps



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on the basis of further proposals tabled by the British Government. We may also wish to consider meeting in less formal groups at different levels. We shall have between us to decide on that as we proceed.

The Conference Secretariat, headed by the Conference Secretary, Mr Willson, is at the service of all delegates. Any questions on administrative arrangements should be referred to Mr Willson and the Conference Officers assisting him.

The Secretariat will prepare summary records of discussions in the formal Conference sessions, that is to say, records which give a resume of the main points made by each speaker. They will circulate these records within 24 hours. If you wish to make corrections of substance to your own interventions I would be grateful if you would do so within two days. These will also be circulated. The summary records will not be made available to the press.

There will - and I dare say you have already seen it - be world-wide interest in the progress of the Conference. A great many journalists have been accredited to it. I shall be making public my own statement this afternoon; you may wish to do the same with your opening speeches. The press will not be admitted to Lancaster House, but there is a fully equipped press centre just across the road. This is at the disposal of all delegations. Mr Fenn will act as my spokesman as Chairman of the Conference. He will also release to the press any joint statements on which we may from time to time agree, and I invite each delegation, if they would be so good, to nominate a member of their staff as Press Secretary, to be in touch with Mr Fenn about these matters. They will of course be welcome to use the facilities at the press centre.

If there are other papers which you wish to have circulated to all participants, the Secretariat will be ready to have them reproduced and distributed as Conference documents.

May I say this in conclusion. This Conference has been convened in response to the statement agreed by the Commonwealth Heads of Government at Lusaka. We have put forward proposals designed to bring Rhodesia to legal independence. Your acceptance of our invitation has given hope to the people of Rhodesia and the neighbouring countries. It is within the power of the parties represented here to bring an end to the war.

I have deliberately avoided talking of a "last chance" of a settlement. Last chances have come and gone before. But I would put it differently. Since Geneva, the conflict has reached new levels. The cost of continuing it is very high. Since 1976 the number of men under arms on both sides has more than doubled. The war has spread into neighbouring states. The toll in casualties inside Rhodesia and in the neighbouring countries has continued to rise. Neither side has infinite resources. The price of failure at this Conference would be further prolonged bloodshed and further destruction of the life of whole communities. The responsibility for preventing this lies upon all those present here, and the eyes of the international community will be upon us all to see that we live up to that responsibility. The British Government is determined for its part to do everything in its power to bring this Conference to a successful conclusion. It is in that spirit that I ask all of you to address the task before us.



Now, gentlemen, having said that, I think the best thing that we can do is to adjourn until 10.30 tomorrow morning when I hope we shall hear the considered views on what I have said from the two sides; of course there is no limit on the number of those who can speak. Perhaps we might then adjourn now, and I hope very much to see as many of you as can come this evening, when we are having a small party downstairs.

Thank you very much.

Mr Nkomo: Mr Chairman, first I would like to apologise to the Conference, through you, that we in the first place requested that we had some time, as given in our letter, and secondly that we still were late. We apologise for that to the Conference.

Mr Chairman, the Patriotic Front is going to give a statement that represents the Front. Mr Mugabe and myself are presenting this statement on behalf of our group.

The Patriotic Front, deeply conscious of the need to bring an end to racism and colonialism which continue to plague the people of Zimbabwe, welcomes the British Government's stated aim to assist in this task of decolonisation. We have come to London to attend this Conference in response to the invitation recently extended to us by you, Mr Chairman, on behalf of the British Government. For us our presence here is by itself an act of immense sacrifice. The scarce material resources we have had to divert and the manpower we must of necessity tie down in London for the duration of this Conference should be enough evidence of our seriousness and good faith. We have always said that we will leave no stone unturned in our struggle for the total liquidation of colonialism in Zimbabwe.

In particular we welcome the fact that the British Government now states that it is prepared to help bring genuine majority rule to our country, Zimbabwe. We are anxious to discover whether that is in fact the intention. Equally we wish to make our position absolutely clear and understood in order to facilitate frank and meaningful discussions.

The unique reality of the situation is that for many years now a major war of national liberation has been raging in our country. This arose from the single tragic fact that Britain failed to meet her decolonisation responsibilities even in the face of the continuing of flagrant illegal acts of the secular minority which challenges the people of Zimbabwe to take up arms and decolonise themselves. Thus we are faced with the task of a peace Conference.

British secular colonisation in Zimbabwe presented special problems which did not disappear by being ignored for decades. The war is an additional special problem and cannot be ignored if it is to end.

To achieve decolonisation comparable to that in other Commonwealth states we must first achieve the basic conditions for the movement to independence which existed in those countries. That was peace, safety and security for all, in the context of which an independent state would be governed according to the agreed constitution by a government elected by a people who were essentially free and secure when they chose



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their government. That essential preliminary situation does not yet prevail in Zimbabwe and even an accepted and agreed constitution will not create it. It is our basic task here to create those conditions.

Mr Chairman, the extent and character of the war of national liberation must be made perfectly clear. Ninety per cent of the country is covered by this war: the towns and cities are surrounded by and often penetrated by the armed struggle. Parts of the country the regime has written off and abandoned: these we term the liberated areas. In other areas the regime can only achieve a temporary daily presence with punitive raids on the villages: these we term the semi-liberated areas. The remaining contested areas include the towns and the citadels of the regime which we are poised to conquer. Thus the Patriotic Front has now responsibilities not only to fight but also to ensure peace, order and good government - the 'problem of success' - inside Zimbabwe.

Clearly it is not our purpose in coming to London to betray or abandon any of these victories of the people of Zimbabwe who have partly liberated themselves and are continuing the task precisely because Britain failed to carry out her responsibilities.

This Conference is not only unique in British colonial history because it must achieve peace as well as a future constitution: it is unique because this is the first time that two decolonising forces have to co-operate in this task. The Patriotic Front representing the people of Zimbabwe are here as the effective decolonising factor, while Britain is here asserting her diminished legal authority. In this connection it must be pointed out that Britain, despite its claimed experience in decolonisation has had no success in Zimbabwe or did not give any determined effort. The task has had to be undertaken by the people themselves. Through their sweat and blood the process is well on its way. The most positive proof of this is the admission of Britain's agent in the form of the declaration of martial law in over nearly 90 per cent of the total area of the country.

Yet we are more aware than any of the destruction and tragic toll of our struggle, of the regime's continued ability and increasing determination to wreak havoc and mass destruction. It is thus our vital responsibility to achieve genuine independence, thereby bringing about peace and putting an end to the prevailing anarchy and chaos. This is no longer a solely British responsibility; we must - and our presence here demonstrates our will to do so - work together with Britain.

We have stated before and we repeat the fact that the Patriotic Front and the achievements of the Zimbabwean people are essential factors in the decolonising process. We have to do this together. This is vital.

The task of this peace Conference is to ensure through an indivisible comprehensive agreement the irreversible transfer of power to the people of Zimbabwe. This is one continuous interdependent process. It is complex but does not lend itself to piecemeal treatment. The critical period leading to independence is as vital as the independence constitution itself. In practice the task of creating a suitable constitution for the crucial transitional period will serve the ultimate task of agreeing a constitutional model for independence for our country and assist us in that undertaking in understanding one another's constitutional preferences. There must be no doubt about



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the freedom and fairness of the context of pre- independence elections. As the recent history of our land so eloquently demonstrates, treachery, tribalism and mass murder is all that can result from a false solution. To accept such a Zimbabwe would be a betrayal of our people, of our principles and quite simply (since dead and detained men can neither canvass nor cast votes) a betrayal of ourselves. We must remember here that it has always been, and it remains, the basic objective of the Patriotic Front to ensure that government of a genuine free Zimbabwe is based upon free and fair elections. We have said this, Mr Chairman, several times. We were the initiators of the principle of universal adult suffrage in Zimbabwe, in the face of its constant rejection by Britain herself and the minority regime in that country.

Zimbabwe must be a sovereign republic in which the sovereign nation pursues its own destiny, totally unshackled by any fetters or constraints.

The sovereign Zimbabwean people must, acting through their own freely chosen representatives in parliament, be free and fully vested with the power to exercise complete dominion over resources from time to time as need arises. They must be free to reorganise the social, political and economic institutions and structures and be free to shape their own destiny as a nation without having to pander to any racial, ethnic, tribal, religious, social or other interests or differences.

The safety and survival of the republic must be the sacred trust of the Zimbabwean nation, not the pawn in the hands of mercenaries and other alien adventurers and agents. We are irrevocably committed to the position that the Zimbabwean people, by whose blood and sacrifice colonialism was exorcised from the land, must themselves be the perpetual guarantors of sovereignty in the face of all challenges, domestic or foreign. Liberation and the process leading thereto must, once agreed, be irrevocable and irreversible. We know no other way of ensuring this than strict adherence to the principle that the people and their forces who have toppled minority rule must be entrusted with the task of ensuring that colonialism, under whatever guise, will not return to plague the nation once again.

Justice will not occur by accident in a sovereign Zimbabwe, nor will its administration and dispensation remain in the hands of privileged minority. It must conform to the social and cultural values of the Zimbabwe people themselves.

The socio-economic system must conform to the people's sense of justice, democracy and fair play.

These and similar goals, cherished vigorously by our people, and for which thousands now lie in mass graves throughout Zimbabwe, Zambia, Mozambique, Botswana and Angola must not be betrayed or compromised. In the past many people present here in Lancaster House, but who are now our antagonists cherished them too. It is personal ambition and greed that propelled them into betrayal and treason. We are sworn not to follow their example.

At this stage, Mr Chairman, having seen both the British proposals and yesterday's statement by Lord Carrington, we find the British proposals are too vague for us to judge whether they are adequate to our comprehensive task. The British Government must



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now be prepared to take us into their confidence and show us what their real proposals are. This is very essential if we are to discuss with clarity of mind. The present outline states no more than some of the elements of any constitution but contains also certain aspects which are very different from the normal British pattern and are also seriously retrogressive as compared with earlier British proposals such as the Anglo- American proposals.

It avoids the real issues which should be brought before this Conference and solved. Only by dealing with them can we hope to leave here and return to freedom and the prospect of peace and tranquillity in our country, Zimbabwe.

The essential questions we have posed constantly to ourselves and which we insist must be understood by all seriously concerned with a solution include the following:-

1. Will the people of Zimbabwe be really sovereign and be able to exercise their sovereign authority?
2. Whose army shall defend Zimbabwe and its people? It must be noted here that 60% of the present white army are mercenaries.
3. Whose police force shall protect the people of Zimbabwe?
4. What type of administration and judiciary shall serve the people of our country, Zimbabwe?
5. Will any ethnic, religious, tribal or other group be able to hold the rest of the people of Zimbabwe hostage?
6. How do we create the situation for the holding of free and fair elections?
7. Whose laws will govern such elections?
8. In particular, apart from the British supervisors and the Commonwealth observers, who will administer the elections and ensure the safety of the voters and candidates?
9. What will be the future of the people's land?

These and similar issues are those which should be placed on the agenda of this Conference and before the world if real peace is to return to our beloved Zimbabwe. The time for evasion is long past and we insist that the final phase of decolonisation be seriously pursued now by the British and by ourselves.

We have won that position by our own sacrifice, our own struggle, our own blood. We are not requesting anybody to bestow this right on us. We have done it ourselves. We continue to do it.

Thank you, Mr Chairman.

Bishop Muzorewa: Mr Chairman, it gives our delegation great pleasure to be in this historic building representing the democratically elected government of Zimbabwe Rhodesia, seeking recognition and the lifting of sanctions.

I must first, on behalf of my delegation and on my own behalf, say how grateful we all are to Her Majesty's Government for the hospitality accorded us, the spirit in which we



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have been received here and, above all, for the opportunity to resolve, once and for all, the constitutional problems facing our country.

I was pleased to accept the invitation to attend this constitutional Conference and to lead the delegation of our Government of National Unity, because it enables me to report officially and in person to the British Government and the British people that we have fulfilled all the requirements insisted upon by successive British administrations. This being so, it is up to the British Government to recognise the new reality of the situation in our country and to act accordingly.

It is now the responsibility of your government, Mr Chairman, to accept and acknowledge this fact.

You, Mr Chairman, have referred to the laying of foundations for a free, independent and democratic society. We would suggest that those foundations have already been laid, and Britain has a legal and moral duty in the name of democracy, integrity and fair play to follow its own hallowed principles and recognise the new popularly elected government in our country which is of the people, by the people and for the people.

Let me examine, Mr Chairman, the present situation in relation to the five principles listed by the British Government in 1965 and the sixth subsequently added in 1966. I might add, at this stage, that these principles have received general approval by other countries and were even endorsed by the United Nations Organisation.

Those principles were:

- (a) unimpeded progress to majority rule must be maintained and guaranteed;
- (b) there must be guarantees against retrogressive amendment to the constitution;
- (c) there must be an immediate improvement in the political status of the black population;
- (d) there must be progress towards ending racial discrimination;
- (e) the constitutional proposals must be acceptable to the people of Rhodesia as a whole; and
- (f) there must be no oppression of the majority by the minority or of the minority by the majority.

In connection with these six principles, universal adult suffrage has been accepted and introduced in our country and this change cannot be reversed. Thus, the political status of the black population has been fulfilled and majority rule is enshrined in the constitution. No retrogressive amendments can be made without the approval of the black representatives in Parliament. Racial discrimination has been totally abolished and there is no question but that the changes which have been brought about in our country are accepted by the people as a whole. There is in our country today no oppression of the majority by the minority or of the minority by the majority. I can confidently state therefore, Mr Chairman, that the requirements of previous British Governments have been fully satisfied and nothing should now stand in the way of our Government of Zimbabwe Rhodesia being granted their rightful recognition.



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Let us accept one further fact. The reasons which led to the British and subsequent international action against our country were directed purely and simply against a white minority government which unilaterally declared independence in 1965. Those reasons are no longer valid, Mr Chairman. That government, which was anathema to the majority of our people, no longer exists. It has now been replaced by a government popularly elected by 64.8 per cent of our electorate in elections which were conducted in an honest, impartial, democratic, free and fair manner. This was testified to by virtually all the observers sent to monitor our elections, including the team led by Lord Boyd which was sent by your party. You yourself, Mr Chairman, indicated in the House of Lords on 22nd May that the British Government would be guided by Lord Boyd's conclusions. I fear that in some measure you may have shifted your ground in this regard and, perhaps due to the pressures exerted on your Prime Minister in Lusaka, your commitment has not been followed through. I do most sincerely hope and trust that your government has no intention of accepting a situation where Zimbabwe Rhodesia becomes the sacrificial lamb on the altar of expediency.

I would now take you back to the 15th May of this year. At the opening of the present British Parliament your Prime Minister, Mrs Thatcher, said it was the objective of your government to build on the major change that had taken place in my country to achieve a return to legality in conditions of wide international recognition. Let me emphasise the word 'major', which is of the greatest importance. This is exactly what has happened in Zimbabwe Rhodesia. There is a total new reality in our country.

In Parliament, the House of Assembly consists of 72 black and 28 white members, the Senate consists of 20 black and 10 white senators. The Cabinet contains 19 ministers, of whom 14 are black and 5 are white. Prior to May the two highest posts in the land, that of Prime Minister and President, were held by whites. Now these posts are filled by blacks. Furthermore, as Minister of Combined Operations and Minister of Defence, I have executive control and ultimate authority over all military matters in my country. The military commanders operate under my immediate policy directives. Similarly, my black colleague, the Minister of Law and Order, who is a member of my delegation, holds executive power over the police.

All racially discriminatory laws, including those relating to land tenure, have been repealed - I repeat, have been repealed. People of all races are now permitted to live where they choose, whether in rural or urban residential areas. Our black population participates in all facets of business without any racial restrictions. Our schools and hospitals are now non-racial. All these significant developments were unheard of and thought impossible less than two years ago.

Mr Chairman, you said yesterday that in the case of Rhodesia, as in all other cases, the constitution must take account of special circumstances. That is precisely what we have done. We have a new constitution drafted by both black and white members of the four parties to the 3rd March Agreement - it was drawn up by the people of our country to meet the needs of our country. We have a new flag, one that is symbolic of our country and all its people.



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We have a new non-racial nation, one that is dedicating itself to be a good example to other countries, not only on the African continent but throughout the world. The successful conclusion of our agreement of the 3rd March 1978, and the implementation of our new constitution, has been achieved through the tremendous courage displayed by the vast majority of our electorate during elections. They went to the polls happily and willingly to exercise their newly won democratic right to elect a government of their choice despite intimidation and threats of death. In doing so they clearly demonstrated their desire to determine the future course of their country and that this should be achieved through the ballot and not the bullet. The people voted because they had at last secured their inalienable right to do so, in spite of repeated threats by the Patriotic Front to disrupt our elections, to punish and maim our citizens who dared to vote and to execute the democratically elected black leaders of their government.

There are a number of most important matters on which we require a clear, binding and unequivocal undertaking from your government, Mr Chairman, from the very outset of this Conference. I repeat that we have met the six principles. Lord Boyd reported on the last outstanding principle and your government has not denied his finding that the fifth principle has been met.

We require to know clearly and categorically what more your government requires from us before you will remove sanctions and grant recognition to our government. Thereafter, if we are able to reach agreement, we shall require a firm commitment in specific terms from your government that it is prepared to support our government to the fullest extent, that sanctions will be lifted, and that recognition will be granted. Here I must make it absolutely clear that we are not prepared to see any negation of what has so far been achieved in our country on behalf of our people, unless it is in their interests and in the interests of their country.

We require from Her Majesty's Government a guarantee, made publicly, to the effect that no one - I repeat, no one - will have the power of veto over the stated scope and focus of this Conference and that the same will apply to any decisions that may be agreed.

Mr Chairman, yesterday you asked us to set down fully our views on the constitutional questions and on the outline proposals published by the British Government when extending the invitation to this Conference. I have already dealt with the constitutional questions. As far as the outline proposals are concerned, the Constitutional Agreement of 3rd March 1978, and our present constitution, substantially meet all the points that are made. We sincerely trust that you will not insist on us making changes to our constitution, which is already working very well, merely for the sake of appeasing other countries who do not appreciate the position in Zimbabwe Rhodesia. I repeat what you yourself said yesterday, Mr Chairman: in the case of Zimbabwe Rhodesia, as in all other cases, the constitution must take account of special circumstances. The constitution of Zimbabwe Rhodesia was agreed in that country, and for that reason it is likely to stand the test of time. History has shown that many constitutions which have been agreed in this place have not lasted for any appreciable period. We do not want the same thing to happen to us.



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The British Government, in its invitation to this Conference, strongly urged both sides to observe a ceasefire. Yesterday, Mr Chairman, you said it was a matter of great regret and disappointment to you that hostilities are continuing during this Conference. My delegation would like to have it placed on record that we accepted that appeal by the British Government and, in fact, we are still prepared to co-operate fully in trying to bring about a ceasefire. However, no ceasefire can be achieved unless all the parties to the conflict agree to observe this.

Finally, Mr Chairman, in your address yesterday it was clear that you personally, and your government, earnestly desire to see this Conference succeed, and that you have the sincere determination to achieve this noble objective. You struck a chord which resounds in our own hearts when you deplored the terrible and useless loss of lives in our country. You challenged us in the name of humanity to adopt a constructive approach and contribute to the successful outcome of our deliberations.

I wish to assure you, Mr Chairman, that I and my delegation are most willing, and indeed anxious, to respond to your challenge in the most positive manner. We shall do so in the true spirit of the Christian and democratic principles which we have always followed. We shall do so because deep in our consciences and our souls we believe that this will lead to the salvation of our people, our country and our nation. You will not find us lacking, Mr Chairman, in our efforts to seek a realistic solution which will enable our country to progress to peace and prosperity. In God's name I pray that goodwill may prevail and that this Conference will be blessed with success.

Thank you, Mr Chairman.



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ANNEX C

SUMMARY OF THE INDEPENDENCE CONSTITUTION

A. THE STATE

1. Zimbabwe will be a sovereign Republic.
2. There will be a Public Seal of Zimbabwe which will be kept by the President.
3. The Constitution will be the supreme law of the Republic and will prevail over any other law to the extent that such other law is inconsistent with it.

B. CITIZENSHIP

1. Every person who was a citizen of Rhodesia immediately before Independence will automatically become a citizen of Zimbabwe on Independence (by birth, descent or registration, as the case may be, according to his former status). Every person who, immediately before Independence, possessed such qualifications that the relevant authority would, upon application duly made, have registered him as a citizen of Rhodesia, will be entitled to make application in the prescribed manner at any time during the first five years after Independence and it will be incumbent upon the competent authority to grant that application and cause him to be registered as a citizen of Zimbabwe.
2. Every person who is born in Zimbabwe after Independence (other than the child of a diplomat accredited to Zimbabwe, of an enemy alien, of a person unlawfully in Zimbabwe or of a non-citizen not ordinarily resident in Zimbabwe) will become a citizen of Zimbabwe by birth. Every person who is born outside Zimbabwe after Independence will become a citizen of Zimbabwe by birth if at the time of his birth his father (or if he is illegitimate, his mother) is a citizen of Zimbabwe but resident outside Zimbabwe in the service of the Government and his birth is registered in Zimbabwe.
3. Every person who is born outside Zimbabwe after Independence but whose father (or, if he is illegitimate, whose mother) is then a citizen of Zimbabwe by birth or registration will himself become a citizen of Zimbabwe by descent.
4. Any woman who is or has been married to a person who is or was at any time during the subsistence of the marriage a citizen of Zimbabwe (or would but for his death have automatically become a citizen of Zimbabwe at Independence) will, on making application in the prescribed manner, be entitled to be registered as a citizen of Zimbabwe.
5. Any person one of whose parents is a citizen of Zimbabwe at the date of his application will be entitled, on making application in the prescribed manner, to be registered as a citizen of Zimbabwe. If the person is a minor, the application may be made on his behalf by his parent or guardian. Provision will be made for adopted children.
6. Parliament will be empowered to make provision:-



- a. for conferring citizenship of Zimbabwe by registration on persons in cases other than those described above;
 - b. for taking away the citizenship of a person who has acquired it otherwise than by birth or descent, provided that the loss of his citizenship will not render him stateless;
 - c. for the renunciation by any person of his citizenship of Zimbabwe; and
 - d. for regulating the procedure relating to the acquisition and loss of citizenship of Zimbabwe.
7. Provision will be included which permits citizens of Zimbabwe to retain their citizenship of other states.
8. Provision will be made on Independence for the resumption of citizenship by persons who have forfeited it or been deprived of it since 11 November 1965.

C. DECLARATION OF RIGHTS

1. The Declaration of Rights will set out provisions on the following lines dealing with the substantive rights concerned.

I. The Right to Life

1. It will be forbidden to deprive any person intentionally of his life save in execution of the lawful sentence of a court after conviction of a criminal offence.
2. There will be an express exception for death caused by reasonably justifiable force in defence of person or property; or in order to effect a lawful arrest or to prevent the escape of a person in lawful custody; or to suppress riots etc; or to prevent the commission of a criminal offence; and there will also be an exception for death caused by lawful act of war.

II. The Right to Personal Liberty

1. It will be forbidden to deprive any person of his personal liberty except as authorised by law in any of the following cases:-
- a. conviction on a criminal charge or unfitness to plead to such a charge;
 - b. by order of a court or Parliament for contempt;
 - c. by order of a court to secure the fulfilment of any legal obligations;
 - d. to bring the person concerned before a court or Parliament in execution of the order of a court or Parliament;
 - e. on reasonable suspicion of that person's commission or threatened commission of a criminal offence;
 - f. for the purpose of the education or welfare of a minor;



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g. to prevent the spread of disease;

h. for the management of persons of unsound mind, drug addicts, alcoholics or vagrants in the interests of their own welfare or the protection of the community;

i. in connection with immigration control, extradition and deportation.

2. Any arrested or detained person will be entitled to be informed of the grounds upon which he is being held and to obtain and instruct a lawyer of his own choice. When the arrest or detention is for the purpose of bringing him before a court or is connected with his being suspected of a criminal offence, he will be entitled to be brought before a court without undue delay and, if not tried within a reasonable time, to be released on bail, subject only to reasonable conditions. Any person wrongfully arrested or detained will be entitled to compensation (although a public officer acting reasonably and in good faith will be protected from liability).

III. Freedom from Slavery and Forced Labour

1. It will be forbidden to hold any person in slavery or to exact forced labour.

2. The term "forced labour" will not include labour required in consequence of a sentence or order of a court; labour which a person in lawful custody may have to perform in the interests of hygiene, etc; labour required of a member of a military or similar force or in lieu of military service; or labour required during a public emergency where the requirement is reasonably justified for dealing with the emergency.

IV. Freedom from Torture and Inhuman Treatment

1. It will be forbidden to inflict torture or inhuman or degrading punishment or treatment on any person.

2. Provision will be made that treatment which is reasonably justifiable to prevent the escape from custody of a person lawfully detained should not be regarded as degrading.

V. Freedom from Deprivation of Property

1. Every person will be protected from having his property compulsorily acquired except when the acquisition is in the interests of defence, public safety, public order, public morality, public health, town and country planning, the development or utilisation of that or other property in such a manner as to promote the public benefit or, in the case of under- utilised land, settlement of land for agricultural purposes. When property is wanted for one of these purposes, its acquisition will be lawful only on condition that the law provides for the prompt payment of adequate compensation and, where the acquisition is contested, that a court order is obtained. A person whose property is so acquired will be guaranteed the right of access to the High Court to determine the amount of compensation.



2. Exception will be made for the taking of possession of property during a period of public emergency.

3. Compensation paid in respect of loss of land to anyone who is a citizen of or ordinarily resident in Zimbabwe (or to a company the majority of whose shareholders are such persons) will, within a reasonable time, be remittable to any country outside Zimbabwe, free from any deduction, tax or charge in respect of its remission, but subject always to -

a. its attachment, by order of a court, in connection with civil proceedings; and

b. reasonable restrictions as to the manner in which the payment is to be remitted.

4. The Constitution will, on the same basis as in other Declarations of Rights, make clear that a number of transactions which might be considered to involve an element of compulsory acquisition will not be so regarded for the purposes of the Declaration of Rights.

5. It will be made clear, for the avoidance of doubt, that the property covered by this constitutional guarantee includes rights, whether vested or contingent, of individuals to receive benefits under a law, contract or scheme relating to the payment of pension benefits.

VI. Protection for Privacy of Home and Other Property

1. It will be forbidden, except with the consent of the person concerned, to subject anybody to the search of his person or property or to entry on his premises.

2. There will however be an exception for any law (and for any measures taken under it) which makes reasonable provision in the interests of defence, public safety, public order, public morality, public health, or town and country planning or which makes reasonable provision to protect the rights and freedoms of others; or which authorises entry on a person's premises by a local government authority or of a public corporation in connection with any tax, etc, or in order to carry out work connected with any property, situated on those premises, that belongs to that local government authority or body corporate; or which authorises entry or search in pursuance of a court order for the purpose of enforcing the judgement or order of a court in any proceedings. Any such law (and the measures taken under it) will be tested against the criterion of what would be reasonably justifiable in a democratic society.

VII. The Right to Protection of the Law

1. Any person charged with a criminal offence will be entitled to a fair hearing within a reasonable time by an independent and impartial court. In connection with that hearing he will have the following specific rights:

a. to be presumed innocent until proved guilty;



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- b. to be properly informed of what he is accused of;
 - c. to be given adequate time and facilities to prepare his defence;
 - d. to be permitted to defend himself either in person or, at his own expense, by a legal representative whom he has chosen;
 - e. to be able both to examine the witnesses for the prosecution and to call and examine his own witnesses on an equal footing with the prosecution witnesses;
 - f. to refuse to give evidence himself (but without prejudice to the court's ability to draw inference from that refusal);
 - g. to have an interpreter if he cannot understand the language used at the trial;
 - h. to be present throughout the trial unless his own conduct renders this impracticable and the court has therefore ordered his removal; and
1. to obtain a copy of any official record of the proceedings.
 2. It will be forbidden to create criminal offences with retrospective effect or to provide for increased penalties with retrospective effect.
 3. Except on the order of a superior court as a result of appeal or review proceedings, it will be forbidden to put a person on trial for a criminal offence for which he has already been tried or for which he has stood in jeopardy of conviction at an earlier trial or for which he has been pardoned.
 4. Any court or other tribunal which is legally empowered to determine whether a person has a legal right or obligation or the extent of any such right or obligation will have to be established or recognised by law and to be independent and impartial; and any suit brought before any court or tribunal to obtain such a determination will have to be given a fair hearing within a reasonable time.
 5. All proceedings in any court or tribunal, including the announcement of the decision, will, unless the parties agree otherwise, have to be held in public, subject to the right of the court or tribunal to exclude anybody other than the parties and their legal representatives -
 - a. when publicity would prejudice the interests of justice;
 - b. in interlocutory proceedings or proceedings preliminary to trial;
 - c. in the interests of defence, public safety, public order, public morality, the welfare of minors or the protection of the private lives of persons concerned in the proceedings; or
 - d. when a Minister certifies that the disclosure of certain information will not be in the public interest.



VIII. Freedom of Conscience

1. It will be forbidden, except with the consent of the person concerned, to interfere with anybody's freedom of conscience. This freedom will be defined as including freedom of thought and of religion, freedom to change one's religion or belief, and freedom, either alone or in community with others, and both in public and in private, to manifest and propagate one's religion or belief in worship, teaching, practice and observance.
2. It will be forbidden to prevent any religious community from providing religious instruction for members of that community in the course of any education which it provides.
3. It will also be forbidden, except with the consent of the person concerned or his guardian, to require any person attending a place of education to receive religious instruction, or to take part in a religious observance, except when it relates to his own religion.
4. It will be forbidden to require anybody to take an oath which is contrary to his religion or belief or to take an oath in a manner which is contrary to his religion or belief.
5. There will be an exception to the foregoing for any law (or for any measures taken under it) which makes reasonable provision in the interests of defence, public safety, public order, public morality or public health; or which makes reasonable provision for the purpose of protecting the rights and freedoms of others, including their freedom from unsolicited interference by persons of other religions or beliefs. Any such law (and the measures taken under it) will be tested against the criterion of what would be reasonably justifiable in a democratic society.

IX. Freedom of Expression

1. It will be forbidden, except with the consent of the person concerned, to interfere with anybody's freedom of expression. This freedom will be defined as including freedom to hold opinions without interference, freedom to receive ideas and information without interference, freedom to communicate ideas and information without interference and freedom from interference with one's correspondence.
2. It will be forbidden to prevent any person or group from establishing a school, or to prevent any person from sending a child to the school of his choice.
3. There will, however, be an exception for any law (and for any measures taken under it) which makes reasonable provision in the interests of defence, public safety, public order, public morality or public health, or which makes reasonable provision to protect the reputations, rights and freedoms of others or the private lives of persons concerned in legal proceedings, to prevent breach of confidence, to maintain the authority and independence of the courts or to regulate the administration or technical operation of telephones, telegraphs, posts, wireless broadcasting or television or to prevent the unlawful dispatch with correspondence of other matter; or which imposes restrictions on



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public officers. Any such law (and the measures taken under it) will be tested against the criterion of what would be reasonably justifiable in a democratic society.

X. Freedom of Assembly and Association

1. It will be forbidden, except with the consent of the person concerned, to interfere with anybody's freedom of assembly and association. This freedom will be defined as the right of every person to assemble freely and associate with others and in particular to form or belong to political parties or to trade unions or other associations for the protection of his interests.

2. There will, however, be an exception for any law (and for any measures taken under it) which makes reasonable provision in the interests of defence, public safety, public order, public morality or public health; or which makes reasonable provision to protect the rights and freedoms of others; or which imposes restrictions on public officers. Any such law (and the measures taken under it) will be tested against the criterion of what would be reasonably justifiable in a democratic society.

XI. Freedom of Movement

1. It will be forbidden to interfere with anybody's freedom of movement. This freedom will be defined as the right to move freely throughout Zimbabwe, the right to reside in any part of Zimbabwe, the right to enter Zimbabwe, the right to leave Zimbabwe and immunity from expulsion from Zimbabwe.

2. There will, however, be an exception for any law (and for any measures taken under it) -

a. which imposes reasonable restrictions on the movement within Zimbabwe of persons generally or any class of persons, or on their right to leave Zimbabwe, in the interests of defence, public safety, public order, public morality or public health;

b. which imposes reasonable restrictions on the acquisition or use of land;

c. which authorises a court to impose restrictions on any person's movement or residence within Zimbabwe or on his right to leave Zimbabwe, in consequence of his criminal conviction or to ensure his appearance before a court to stand trial for a criminal offence or to give evidence in criminal proceedings or to answer extradition or deportation proceedings;

d. which imposes restrictions on the freedom of movement of anybody who is not a citizen of nor permanently resident in Zimbabwe;

e. which authorises the extradition of a person from Zimbabwe in respect of a criminal offence or his removal to some other country to serve his sentence for such an offence;

f. which imposes restrictions, in order to secure the fulfilment of any person's legal obligations, on his right to leave Zimbabwe; or



g. which imposes, for the protection of tribespeople, restrictions on residence within Tribal Trust Land for those who are not tribespeople.

In all these cases, save the restrictions relating to Tribal Trust Land, any such law (and any measures taken under it) will be tested against the criterion of what would be reasonably justifiable in a democratic society.

XII. Protection from Discrimination

1. It will be forbidden for any law to contain a provision which is discriminatory either of itself or in its effect or for any person who is exercising statutory powers or acting in the performance of the functions of any public office or public authority to treat anybody in a discriminatory manner. A law or an executive action of this kind will be regarded as discriminatory if it affords special advantages or imposes special disabilities upon persons by reason wholly or mainly of their race, tribe, place of origin, political opinions, colour or creed.

2. There will be an exception to the foregoing for any law (or for any measures taken under it which are authorised by it expressly or by necessary implication)-

a. which places certain restrictions on persons who are neither citizens nor permanent residents of Zimbabwe;

b. which makes provision with respect to matters of personal law such as adoption, marriage, divorce, burial and testamentary succession;

c. which makes provision for the application of their customary law in the case of members of a particular race or tribe;

d. which makes provision with respect to the standards or qualifications to be required of persons who are appointed to offices in the public service or in the service of a local government authority or of a public corporation, provided that these standards or qualifications do not themselves specifically relate to race, tribe, place of origin, political opinions, colour or creed;

e. which confers special rights on tribespeople in relation to Tribal Trust Land.

Savings

1. The Constitution will permit certain of the substantive rights described above to be derogated from, within specified limits, during periods of emergency.

2. Existing laws will not be held in contravention of the Declaration for a period of five years, though such laws can be amended or repealed by Parliament at any time.

Enforcement



The Declaration of Rights will contain provisions to ensure that the rights which it guarantees are fully justiciable. These provisions will declare that anybody who alleges that any of his rights under the Declaration has been, is being or is likely to be infringed - and in the case of a detained person, any other person on his behalf - will, without prejudice to any other remedy which he may have, have the right to apply to the court for redress and the court will have jurisdiction to hear and determine that application. The court will be empowered to issue such orders as it may consider appropriate to enforce, or to secure the enforcement of, any of the provisions of the Declaration of Rights.

D. THE EXECUTIVE

i. The President

1. The President will be Head of State and Commander-in-Chief of the Defence Forces.
2. The President will be elected by the members of Parliament. The qualifications for election as President will be the same as those required for election to the Senate.
3. The President will hold office until he resigns or until a period of six years has elapsed. Thereafter he will be eligible for re- election for one further period of office.
4. The President may be removed from office on the grounds of misconduct or inability to discharge efficiently the functions of his office. A motion for removal requires to be supported by not less than two-thirds of all the members of Parliament.
5. Provision will be made for the discharge of the functions of the office of President during the President's absence or temporary incapacity.
6. The executive power of Zimbabwe will be vested in the President and unless otherwise provided will be exercised on the advice of the Executive Council or, if authorised by the Executive Council, the Prime Minister or other Minister. The limited circumstances in which the President will act on his own discretion in accordance with the Constitution, e.g. appointment of the Prime Minister and dissolution of Parliament following a vote of confidence, will be specified in the Constitution. (References to the exercise of power by the President in this summary are references to the President acting on advice unless otherwise indicated).
7. Provision will be made to keep the President informed of the general conduct of the Government.
8. The exercise of the Prerogative of Mercy will be vested in the President.
9. There will be vested in the President the power to declare a state of public emergency, or the existence of a situation which, if allowed to continue, may lead to a state of public emergency. Such a declaration will lapse unless it is approved within 14 days by the affirmative votes of more than one-half of the total membership of the House of



Assembly. The declaration may not continue in effect for longer than six months unless it is renewed by a similar resolution.

ii. Executive Council and Ministers

1. The Executive Council will consist of the Prime Minister and other Ministers, appointed by the President on the advice of the Prime Minister.
2. The President will appoint as Prime Minister the person who, in his opinion, is best able to command the support of a majority of the members of the House of Assembly. He will appoint and dismiss Ministers and Deputy Ministers on the advice of the Prime Minister. In the absence of the Prime Minister, the President may authorise another Minister to perform the functions of the Prime Minister.
3. A Minister or Deputy Minister will be a member of the Senate or House of Assembly.
4. The Prime Minister may assign Ministers responsibility for the administration of a Government department. Where a Minister is charged with responsibility for a department of Government, it will be his duty to exercise general direction and control over that department. Secretaries will have the supervision of departments subject to that general direction and control.

iii. The Public Service

1. There will be a Public Service Commission consisting of a Chairman and not less than two and not more than four other members.
2. The members of the Public Service Commission will be appointed by the President acting on the advice of the Prime Minister. They will be chosen for their ability and experience in administration or their professional qualifications or their suitability otherwise for appointment as members. The Chairman and at least one other member will have held senior rank in the Public Service.
3. Subject to the other provisions of the Constitution, the Public Service Commission will have vested in it the power to appoint persons to hold or act in public offices, to exercise disciplinary control over such persons and to remove them from office. The Public Service Commission will also have the power to make regulations for the administration and conditions of service of the Public Service. Its decisions will be reached by majority vote.
4. When considering candidates for appointment to vacant posts in the Public Service and Prison Service, the Commission will be required to give preference to the person who is in its opinion the most efficient and suitable for appointment. However, in making any decision the Commission will be required to take account of any general policy directions given by the President which are designed to achieve a suitable representation of all groups of the population in the service of the State.



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5. There will be an Attorney-General who will be a member of the Public Service. He will be appointed by the President on the advice of the Prime Minister. Before tendering his advice the Prime Minister will consider any recommendations by the Public Service Commission, which will in turn consult the Judicial Service Commission. If he departs from such recommendations Parliament will be informed before the appointment is made.

6. Candidates for the office of Attorney- General must have the qualifications necessary for a judge or have served in the Office of the Attorney-General for at least six years.

7. The Attorney-General will be responsible for criminal prosecutions. In the exercise of his powers in this capacity he shall not be subject to the direction or control of any person or authority. Once appointed the Attorney-General may be removed from office only on the recommendation of a tribunal.

8. Secretaries of Ministries and the Secretary to the Executive Council shall be appointed by the President on the advice of the Prime Minister. Before tendering his advice the Prime Minister will consider any recommendations by the Public Service Commission. If he departs from such recommendations Parliament will be informed.

9. Heads of Diplomatic Missions shall be appointed by the President on the advice of the Prime Minister after consultation with the appropriate Commission.

iv. The Police Force

1. The Police Force will be under the command of the Commissioner of Police who will be appointed by the President on the advice of the Prime Minister. Before tendering his advice, the Prime Minister will consider any recommendations made by a specially constituted Board. If he departs from such recommendations Parliament will be informed.

2. The power to relieve the Commissioner of his appointment will rest in the President acting on the advice of the Prime Minister. Before tendering such advice the Prime Minister will consult the Executive Council. Parliament will be informed.

3. Subject to such general directions of policy as may be given to him by the Prime Minister (or other responsible Minister), the Commissioner of Police will be responsible for the administration and operations of the Police Force. Appointments to the Police Force will be made on the advice of or by the Commissioner of Police. When considering candidates for appointment to vacant posts the Commissioner of Police will be required to give preference to the person who, in his opinion, is the most efficient and suitable for appointment. However, in making any such decision the Commissioner of Police will be required to take account of any general policy directions given by the President which are designed to achieve a suitable representation of the various component groups of the population in the service of the State.

4. There will be a Police Service Commission which will consist of a chairman (who will be the Chairman of the Public Service Commission) and not less than two and not more



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than four other members appointed by the President on the advice of the Prime Minister. The persons to be appointed as members of the Commission will be chosen for their ability and experience in administration or their professional qualifications or their suitability otherwise for appointment as members. At least one member will have held senior rank in the Police Service.

5. The functions of the Police Service Commission will be to consider grievances by members of the Police Force, to consider and, if it deems fit, to confirm any proposal to dismiss a member who has had more than two years' service and to make regulations for the general well-being, good administration and conditions of service of the Police Force.

E. PARLIAMENT

1. The legislature of Zimbabwe will consist of the President and Parliament, which will comprise a Senate and a House of Assembly.

2. An electoral law will make provision for the election of Senators and of members of the House of Assembly.

3. The registration of voters in elections to the House of Assembly and the conduct of these elections will be under the direction and supervision of an Electoral Supervisory Commission.

4. There will be provision for the establishment of a Delimitation Commission to delimit the Common Roll and White Roll constituencies for general elections.

5. All citizens who are 18 years of age or over will be eligible to be enrolled as voters. There will be a Common Voters Roll on which will be enrolled all voters except White (including Coloured and Asian) voters who, for so long as there is provision for separate minority representation in Parliament, will be enrolled on a White Voters Roll.

Senate

6. There will be a Senate of 40 members chosen as follows:

a. ten will be elected by an electoral college consisting of members of the House of Assembly elected on the White Voters Roll;

b. fourteen will be elected by an electoral college consisting of members of the House of Assembly elected on the Common Voters' Roll;

c. ten will be elected by the Council of Chiefs;

d. six will be nominated by the President on the advice of the Prime Minister.

7. To be qualified for election or appointment as a Senator a person must be enrolled as a voter, have attained the age of 40 and have been ordinarily resident in Zimbabwe for



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not less than 10 years during the last 20 years. The residence qualification will not apply during an initial period.

8. The Senate will elect a President and a Deputy President of the Senate. A Minister or Deputy Minister will not be eligible for these posts. The President of the Senate will vacate his office on the dissolution of Parliament and may be removed from office by a resolution of the Senate supported by not less than two-thirds of all the members.

9. There shall be a Senate Legal Committee with powers of scrutiny over legislation.

House of Assembly

10. The House of Assembly will consist of 100 members elected as follows:

a. 80 members will be elected by voters on the Common Voters Roll;

b. 20 members will be elected by voters on the White Voters Roll.

11. To be qualified for election to the House of Assembly a person must be enrolled as a voter, have attained the age of 21 and have been ordinarily resident in Zimbabwe for not less than five years during the last 20 years. The residence qualification will not apply during an initial period.

12. The House of Assembly will elect a Speaker and a Deputy Speaker. A Minister or Deputy Minister will not be eligible for these posts. The Speaker will vacate his office on the dissolution of Parliament and may be removed at any time by a resolution of the House of Assembly supported by not less than two-thirds of all the members.

13. A general election for members of the House of Assembly must be held within not more than four months of the dissolution of Parliament. Election of members of the Senate will follow within 28 days.

Procedure in Parliament

14. The President or the Deputy President of the Senate will usually preside over the deliberations of the Senate. The Speaker or Deputy Speaker will usually preside at sittings of the House of Assembly.

15. The quorum of the Senate will be one-third of all its members. The quorum of the House of Assembly will be one-fourth of all the members.

16. There will be a Secretary to Parliament. He and the members of his staff will be public officers.

17. There will be provision for the privileges and immunities of members of Parliament.

18. The President will have the right to address either House of Parliament or a joint meeting of both Houses.



19. A Minister or Deputy Minister will have the right to sit and speak both in the Senate and in the House of Assembly but will only have the right to vote in the House of which he is a member.

20. Subject to the provisions of the Constitution, the Senate and the House of Assembly will be empowered to regulate their own procedure.

Legislative Powers of Parliament

21. Subject to the provisions of the Constitution, Parliament will have full legislative powers for Zimbabwe.

22. The legislative powers of Parliament will be exercised through Bills passed by the House of Assembly and (subject to the House of Assembly's power to over-ride it after a period of delay) the Senate, and assented to by the President.

23. Parliament will not be entitled, except upon the recommendation of the Prime Minister signified by him or by another Minister, to proceed upon a Bill which imposes or increases taxation or imposes a charge on public funds or authorises expenditure from public funds or compounds or remits a debt due to the Government.

24. If the Senate does not approve within 90 days an ordinary Bill (that is a Bill not amending the Constitution and not a Money Bill) which has been approved by the House of Assembly, the Bill may be presented to the President for his assent. The Senate will not have the power to amend Money Bills, and in the case of such Bills its power to delay will be limited to eight sitting days.

25. Save as is otherwise specifically provided in the Constitution the House of Assembly will decide all questions by a simple majority of the votes of the members present and voting. The Speaker or other member presiding will have neither an original vote nor a casting vote: if the votes are equally divided on any question, the motion will be lost.

26. Parliament will be able to amend any of the provisions of the Constitution. Any Bill to that effect must be published in the Gazette at least 30 days before first reading in the Senate or House of Assembly.

27. The Senate will have the power to delay any Bill to amend the Constitution for 180 days, but at the end of that period it can be sent to the President for his assent, even if it has not passed the Senate.

28. Except as provided in paragraphs 29 and 30, a Bill to amend the provisions of the Constitution will require the votes of not less than 70 per cent of the members of the House of Assembly and, subject to paragraph 27, the votes of not less than two-thirds of the members of the Senate.

29. The provisions of the Constitution relating to the separate representation of the White minority in Parliament will for a period of seven years be amendable only by



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unanimous vote of the House of Assembly and, subject to paragraph 27, not less than two-thirds of the members of the Senate. At the end of seven years, these provisions shall be capable of amendment as in paragraph 28 above.

30. The protective provisions of the Declaration of Rights will for a period of ten years be amendable only by the unanimous vote of the House of Assembly and, subject to paragraph 27, the votes of not less than two-thirds of the members of the Senate. But a Bill which amends the Declaration of Rights in such a way as to reduce the qualifications or exceptions to those provisions will be subject to the procedure in paragraph 28 above.

Summoning, Prorogation and Dissolution of Parliament

31. Each session of Parliament will be held at such place and will begin at such time as the President may determine but not more than six months will be permitted to elapse between the end of one session and the beginning of the next.

32. The President will be able to prorogue or dissolve Parliament at any time on the advice of the Prime Minister.

33. If the House of Assembly at any time passes a motion of no confidence in the Government and the Prime Minister does not within three days resign or ask for a dissolution, the President will be required to dissolve Parliament.

34. Unless it is already dissolved, Parliament will stand dissolved automatically at the end of five years from the date of the first sitting of the House of Assembly after the previous dissolution. There will be provision for limited extensions of Parliament's life if Zimbabwe is at war or in periods of emergency.

F. THE JUDICATURE

1. There will be a High Court of Zimbabwe, consisting of an Appellate Division and a General Division. It will have unlimited original jurisdiction in both civil and criminal matters and such other jurisdiction as may be conferred on it by the Constitution or any other law. Appeals will lie from decisions of the General Division to the Appellate Division.

2. There shall be a Chief Justice and other judges of the High Court.

3. The Chief Justice will be appointed by the President, acting on the advice of the Prime Minister. Before tendering his advice the Prime Minister will consider any recommendations from the Judicial Service Commission. If he departs from any such recommendations Parliament will be informed before the appointment is made.

4. The other judges of the High Court will be appointed by the President, acting on the advice of the Judicial Service Commission.

5. A person will not be qualified to be appointed as a judge of the High Court unless-



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a. he is or has been a judge of a superior court in a country in which the common law is Roman-Dutch or English and English is an official language; or

b. he is, and has been for not less than seven years, qualified to practise as an advocate in Zimbabwe or in a country in which the common law is Roman-Dutch or English and in any such case English is an official language. Experience in a country where the common law is English will count only in the case of citizens of Zimbabwe.

6. If the office of Chief Justice is vacant or the Chief Justice is temporarily unable to perform the functions of his office, the President will be able to designate one of the other judges of the High Court to act in his place.

7. A judge of the High Court will not be removable from office before reaching retiring age except for physical or mental incapacity or for misconduct. If the President considers that the question of removing a judge on one of these grounds ought to be investigated, he will appoint a tribunal consisting of a Chairman and two other legally qualified members. When that tribunal has enquired into the matter, it will report to the President and advise him whether to refer the question of the judge's removal to the Judicial Service Commission. If the Commission recommends that the President should remove the judge from office, the President will do so. When the case of the judge is being investigated by the tribunal, the President may suspend him from performing the functions of his office.

8. There will be a Judicial Service Commission, consisting of the Chief Justice as the Chairman, the Chairman of the Public Service Commission, a legally qualified person appointed by the President and a member appointed by the President, in each case acting on the advice of the Prime Minister. The Judicial Service Commission will advise the President on the appointment of judges of the High Court and of judicial officers presiding over certain courts exercising specified functions.

9. In carrying out its functions the Judicial Service Commission will not be subject to direction or control by any other person or authority.

10. The power to appoint, exercise disciplinary control over and remove from office magistrates and certain other officers, e.g. registrars, connected with the High Court will rest with the Public Service Commission.

G. THE DEFENCE FORCES

1. All armed forces will be regulated by law. The Defence Forces will consist of the Army, the Air Force and any other branch established by law.

2. There will be a Commander of each branch. Each Commander will be appointed by the President, acting on the advice of the Prime Minister. Before tendering his advice the Prime Minister will consider any recommendations made by a specially appointed Board. If he departs from such recommendations Parliament will be informed.



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3. The power to relieve a Commander of his appointment will vest in the President acting on the advice of the Prime Minister. Before tendering his advice the Prime Minister will consult the Executive Council. Parliament will be informed.

4. The Commander of a branch of the Defence Forces will be responsible for that branch subject to any general directions of policy which may be given to him by the Prime Minister (or other responsible Minister) for the operations or administration of the branch concerned. Appointments within a branch will be made on the advice of or by the Commander, who will be required to give preference to the person who in his opinion is the most efficient and suitable for appointment. However, in making any decision the Commander will be required to take account of any general policy directions given by the President which are designed to achieve a suitable representation of the various component groups of the population in the service of the State.

5. There will be a Defence Forces Service Commission which will consist of a Chairman (who will be the Chairman of the Public Service Commission) and not less than two and not more than four other members appointed by the President acting on the advice of the Prime Minister. The persons appointed to be members of the Commission will be chosen for their ability and experience in administration or their professional qualifications or their suitability otherwise for appointment as members. At least one member will have held senior rank in the Defence Forces.

6. The functions of the Defence Forces Service Commission will be to consider grievances by members of the Defence Forces, to consider and, if it deems fit, to confirm any proposal to dismiss a member who has had more than two years' service, and to make regulations for the general well-being, good administration and conditions of service of the Defence Forces.

H. FINANCE

1. There will be a Consolidated Revenue Fund into which all Government revenues will be paid unless they are payable by law into some other fund established for a specific purpose or are revenues that may, by law, be retained by the authority that received them for the purpose of defraying its own expenses.

2. No monies will be withdrawn from the Consolidated Revenue Fund except to meet expenditure charged on that Fund by the Constitution or another law; or where the withdrawal has been authorised by an Appropriation Act or a supplementary or additional estimate approved by or under an Act of Parliament.

3. No monies will be withdrawn from any public funds of Zimbabwe other than the Consolidated Revenue Fund unless authorised by or under a law.

4. The Minister for Finance will be required to lay before the House of Assembly estimates of the revenues and expenditure of Zimbabwe for the next financial year. The expenditure included in those estimates (other than expenditure charged on the Consolidated Revenue Fund) will then have to be authorised by an Appropriation Act.



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5. Provision will be made for supplementary or additional estimates to be laid before the House of Assembly for expenditure not covered by the Appropriation Act or if unauthorised expenditure has taken place.

6. There will be provision under which, if the Appropriation Act for any financial year has not come into operation by the beginning of that year, the President will be permitted to authorise the withdrawal of monies from the Consolidated Revenue Fund for the purpose of meeting necessary expenditure until the end of the first four months of the financial year or until the Appropriation Act comes into operation, whichever is the earlier.

7. The public debt of Zimbabwe, i.e. all debt charges for which the Government of Zimbabwe is liable, will be charged on the Consolidated Revenue Fund.

8. There will be a Comptroller and Auditor- General who will be appointed by the President on the recommendation of the Public Service Commission. It will be his duty:-

a. to satisfy himself that any proposed withdrawal from the Consolidated Revenue Fund is legally authorised and, if so satisfied, to approve it;

b. to satisfy himself that all disbursements and expenditure from public funds are covered by proper authority; and

c. at least once a year to audit all Government accounts, including the accounts of all courts which are paid for out of Government funds and the accounts of any Commission established by the Constitution, and to report on that audit to the House of Assembly through the Minister of Finance. For this purpose he will be entitled to have access to all relevant books and documents. In the exercise of his constitutional functions, he will not be subject to the direction or control of any other person or authority.

9. The Comptroller and Auditor-General will be removed from office only by the affirmative vote of an absolute majority of the House of Assembly.

PENSION RIGHTS OF PUBLIC OFFICERS

1. The Constitution will contain provisions relating to pensions payable in respect of service of a public officer.

2. The pension benefits to be paid to a public officer will be those applicable at the time he began his service or those provided under any subsequent law not less favourable to him.

3. All pensions benefits payable by the State will be a charge on the Consolidated Revenue Fund.



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4. Any person who is entitled to receive pension benefits may, if he is ordinarily resident outside Zimbabwe, have them remitted to him outside Zimbabwe free of any deduction, charge or tax in respect of its remission.

I. OMBUDSMAN

1. There will be an Ombudsman, who will be appointed by the President on the advice of the Judicial Service Commission.

2. The duty of the Ombudsman will be to investigate complaints against action taken by any employee of the Government, other than a member of the Defence Forces or Police Force, or by any employee of a local authority, where no legal redress or right of appeal to a court exists.



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ANNEX D

THE PRE-INDEPENDENCE ARRANGEMENTS

1. The British Government puts forward the following proposals for implementing the Independence Constitution.
2. Rhodesia continues to be part of Her Majesty's dominions. The Government and Parliament of the United Kingdom have responsibility and jurisdiction for and in respect of it. It is for the British Parliament to grant legal independence to Rhodesia.
3. An Independence Constitution has been agreed by the parties, subject to agreement on the arrangements for implementing it. The Constitution gives full effect to the principle of genuine majority rule and will give the government of independent Zimbabwe the powers it needs to carry out the policies on the basis of which it is elected.
4. The question of majority rule, which gave rise to the war, has therefore been resolved. The question now at issue is who is to form the future independence government. The British Government's position is that this must be decided by the people of Zimbabwe, in free and fair elections in which all parties will be able to take part on equal terms. The British Government will transfer power to whatever leaders are chosen by the people of Rhodesia in elections held under these conditions and supervised under the British Government's authority. The British Government will not be prepared to transfer power to any party which has not won it in elections. The elections will be held on the basis of the Independence Constitution and all parties will be expected to abide by it. All parties taking part in the elections will also be expected to commit themselves to abide by the outcome. Such a commitment will be essential if Zimbabwe is to come to independence in peace and with a prospect of stability and prosperity for all its people.
5. The proposals put to the Conference by the Salisbury delegation and the Patriotic Front showed that there was a wide divergence of views on how to create the conditions in which fair elections can be held.
6. The Salisbury delegation maintained that they had been elected to govern Rhodesia; that most of their members had nothing to do with the illegal declaration of independence; that they had a mandate to govern Rhodesia, and that they should do so during the interim period. Elections should be supervised by the British Government, but they would continue to administer the country.
7. The Patriotic Front's position was set out in the paper on transitional arrangements which they circulated early in the course of this Conference and later amplified. Their proposals called for complex power-sharing arrangements in the interim and restructuring of the police and security forces in advance of the election.
8. Against this background, the British Government has reached certain conclusions. In the first place, the purpose of the pre- independence arrangements is to allow the parties to put their case to the people under fair conditions. The pre- independence period should not be concerned with the remodelling of the institutions of Government. This



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will be a matter for the independence government elected by the people of Rhodesia. The essential requirement is that all parties should be free to put their policies to the people and should commit themselves to abide by the people's choice. The purpose of the interim period should be peaceful competition for power.

9. Secondly, the British Government proposes that the administration of Rhodesia during the election should be entrusted to the authority of the British Government, while the leaders of all parties explain their case to the people.

10. Thirdly, the British Government has concluded that, against the background of a war and the certain difficulties of a cease- fire, an interim period must not be excessively protracted, but must allow all the political parties adequate time to put their case to the people of Rhodesia. The longer the interim period lasts before the people of Rhodesia are given the chance to decide their political future for themselves, the greater will be the period of political uncertainty and the greater the risk of a break-down of the cease-fire. It is in the interests of the people of Zimbabwe that they should be enabled to choose their future leaders as soon as is reasonably possible.

11. Finally, it is clear to the British Government that whatever arrangements are proposed for the interim will be effective only if there is a genuine commitment by both sides to make them work. It is in the interests of all the parties to this Conference that there should be an end to the fighting and free and fair elections. The British Government is prepared to ensure the conditions under which those objectives can be achieved. But it can do so only if both sides accept its authority and its determination to ensure the impartiality of the election process.

The Machinery of Government

12. The British Government believes that it is only through a direct British involvement that conditions for elections, acceptable to both sides, can be created. To set in train the process which will enable free and fair elections to be supervised under its authority, as was agreed at the Commonwealth Heads of Government meeting at Lusaka, the British Government will appoint a Governor for Rhodesia, who will be British. The Governor's instructions will require him to do all things necessary to secure compliance with the conditions for free and fair elections.

13. The Governor will be established under an Order in Council which will confer on him executive and legislative authority. He will act according to the instructions given to him, for the fulfilment of his tasks, by the British Government.

The Governor will have powers to make laws by Ordinance for the peace, order and good governance of the country. Legislative authority will not be exercised by any other body. Executive authority will be vested in the Governor and all public officers and authorities in Rhodesia, including the civil service, the police and the defence forces, will be required to comply with the Governor's directions. The Patriotic Front's forces will also be required to comply with the directions of the Governor.



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14. There will be a Deputy Governor who will be British. The Governor will also have a Military Adviser, Police Adviser, Legal Adviser and Political Adviser and such other supporting staff as the British Government may decide are necessary to enable him to discharge his functions effectively, all of whom will be British. In the day-to-day administration of the country, the Governor will, however, work through the existing public service. The British Government see no practical alternative to this. It will be for the Governor to ensure that his authority is effectively and impartially exercised.

15. The Order in Council providing for the establishment of the office of Governor will serve as the interim Constitution of Rhodesia. Provision will be made to carry forward existing laws. It will be for the Parliament to be chosen in free elections to decide which laws shall be continued and which shall be changed. It will be the Governor's duty to ensure that powers conferred by existing laws on public officers and authorities are not used in an arbitrary manner, or in such a way as to affect the conditions for free and fair elections. Allegations of improper activity by any public authority or any political party or its representative in the election campaign may be brought to the attention of the Governor or his Deputy, who will cause them to be dealt with.

16. All persons detained arbitrarily and on political grounds by any party will be released. The Governor will order a review of any such cases within his jurisdiction. The British Government will require to be satisfied that similar procedures will apply in the case of persons detained outside Rhodesia.

17. Once the Governor has arrived and his authority has been accepted in Rhodesia, Rhodesia will have returned to lawful government as a part of Her Majesty's dominions.

18. The Governor will proceed to Rhodesia as soon as possible after the conclusion of the Constitutional Conference. He will assume responsibility for the government of Rhodesia. All the political leaders will commit themselves to the election campaign. Bishop Muzorewa and his colleagues will not exercise ministerial functions during this period. The Governor will be responsible for the administration of the country on a caretaker basis. Heads of Ministries will report to him.

The Return of Citizens Living Outside Rhodesia

19. Many thousands of Rhodesian citizens are at present living outside the country. Most of them wish to return and it will be desirable that as many as possible should do so in order to vote in the election. The return of all refugees will be a task requiring careful organisation. But a start should be made in enabling the refugees to return to their homes as soon as possible; and the British Government will be ready to assist with the process. The task of effecting the return of all refugees will need to be completed by the independence government in co-operation with the governments of the neighbouring countries.

Law and Order

20. In the event of an effective cease-fire, the necessity for martial law will disappear. The task of maintaining law and order in the pre-independence period will be the



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responsibility of the civil police. The police will act under the Governor's supervision, exercised through the Police Adviser and other British police officers. Special arrangements will be made by the Governor in consultation with the parties to ensure the protection of the political leaders in this period.

Defence

21. The negotiation of a cease-fire will be the next task of the Conference as soon as there is agreement on the arrangements for holding elections and on the administration of the country in the interim period. Subject to this, the role of the military forces of both sides in the interim period will be to maintain the cease-fire. The commanders on both sides will be responsible to the Governor for this. The British Government proposes to establish machinery on which the military commanders on both sides will be represented, to ensure compliance with the terms of the cease-fire. The success of the arrangements proposed for the administration of Rhodesia in the period before independence will require all parties to commit themselves to accept the Governor's authority.

Legislative Procedures

22. The authority of the United Kingdom Parliament will be sought for the appointment of the Governor, the making of the Independence Constitution and the holding of elections under it. Legislation will be submitted to Parliament as a matter of urgency so that the Governor may, without loss of time after his arrival, take the steps necessary to allow elections to be held.

23. A Bill will subsequently be introduced to provide for Rhodesia to become independent, following the holding of elections supervised by the British Government and held under the British Government's authority, and the establishment of a government of Zimbabwe on the basis of the Independence Constitution.

The Elections

24. The administrative arrangements described in this paper will be implemented in such a manner as to ensure that the elections will be held under the following conditions:-

—the administration of the elections will be fair and impartial as between all the political parties taking part;

—peaceful political activity will be freely conducted by all the parties to the election;

—there will be freedom of movement, assembly and expression during the election campaign;

—all parties will conduct their political activities within the law;



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—all the parties will have free and uncensored access to the public media to put their case to the people of Rhodesia, and there will be freedom to advertise and to publish political views in the press;

—appropriate measures will be taken to ensure the security of all parties taking part in the election campaign.

25. There will be an Election Council, chaired by the Election Commissioner or his nominated deputy, who will be British. The Election Commissioner will invite each party taking part in the elections to be represented on the Council. The Council will have a general consultative function. Its individual members will be able to make representations to the Election Commissioner on any matter concerning the elections. The Election Commissioner and his staff will ensure that allegations of unfair practices are properly investigated and remedied.

26. Commonwealth Governments will be invited to send observers to the elections. Their role will be to observe that the elections are genuinely free and fair and that the British Government is carrying out its responsibility to supervise them. No restrictions will be placed upon their movements, and every effort will be made to facilitate their task.

27. All political parties which register for elections will be free to take part in the elections. Any order banning or restricting a political party will be revoked.

28. The election will be held on dates to be decided by the Governor as soon as possible after he takes up office and his authority is accepted. Three consecutive days will be set aside for polling to take place.

29. The British Government will take the legislative action necessary to bring into force those parts of the Independence Constitution required for elections to be held and for Parliament to be constituted in the terms of the Independence Constitution. Relevant provisions of the Electoral Law currently adopted in Rhodesia will be applied at the Governor's discretion.

30. The Governor will be responsible for all aspects of the conduct of the elections. There will be an Election Commissioner with appropriate staff appointed by the British Government who will be responsible for supervising the elections to the full extent necessary to ensure that they are free and fair as between the parties participating in them. He and his assistants will keep themselves fully informed of all matters relating to the elections and will enquire as necessary into any aspect of the conduct of the elections.

31. Elections for the Common Roll seats will be held on a party list basis. The most practical procedure may be to divide the country into districts, each of which could be allocated a number of seats in proportion to its population. The election on the white roll will take place on the basis of existing constituencies.

32. The Governor will fix a date not less than four and not more than six weeks before the elections on which political parties wishing to contest the elections should apply for



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registration, name each electoral district for which they wish to be registered and provide a list of the candidates whom they wish to nominate for each electoral district.

33. The qualifications for voters and for candidates for election as Senators and members of the House of Assembly will be as provided in the Independence Constitution, except that, in view of the special circumstances prevailing at present, residence qualifications will not apply.

34. Registration of voters will not be required. But voters will be required as necessary to produce evidence of identity and eligibility to vote. Steps will be taken to prevent fraudulent and multiple voting.

35 The Election Commissioner will supervise the printing and distribution of ballot papers.

36. There will be freedom to campaign, hold political meetings and carry out canvassing. Appropriate measures will be taken by the Governor in consultation with the parties to ensure the physical security of all political leaders during the campaign.

37. Appropriate provision will be made for the conduct of the poll, the counting of votes and the declaration of results. Every voter will be free to cast his or her vote for the party of his or her choice.

38. Each party presenting candidates will be entitled to have one representative at each polling station in the district concerned to observe the polling. The Election Commissioner and his staff will make sample checks on polling stations throughout the country.

39. It will be the responsibility of the Governor to ensure adequate security at polling stations and the security of the ballot boxes.

40. The Governor, on the advice of the Election Commissioner will take appropriate steps regarding disclosure of election expenses, the definition of corrupt and illegal practices, and election petitions.

Conclusion

41. The British Government is confident that if these arrangements are accepted by the parties, it will be possible for them to resolve their differences by political means, thereby enabling the people of Zimbabwe to decide for themselves their future government and enabling them and the people of the neighbouring countries to live at peace. The British Government urges the parties to take this opportunity to achieve these aims.



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ANNEX E

RHODESIA: CEASE-FIRE AGREEMENT

The parties to this cease-fire agreement have agreed as follows:

1. With effect from 2400 hours on 21 December 1979, all movement by personnel of the Patriotic Front armed forces into Rhodesia and all cross-border military activity by the Rhodesian forces will cease. This agreement will take effect on a basis of strict reciprocity. The British Government will request the governments of countries bordering on Rhodesia to make arrangements to ensure that externally based forces do not enter Rhodesia. Provision will be made to permit the return of civilian personnel to Rhodesia in order to vote or engage in other peaceful political activity. Border-crossing points will be established, under the supervision of the monitoring force, for this purpose;

2. With effect from 2400 hours on 28 December 1979, all hostilities in Rhodesia will cease. The Commanders will issue instructions to the forces under their command to ensure that all contact between the respective forces is avoided. A Cease- fire Commission will be established in Salisbury. The Chairman of the Commission will be the Governor's Military Adviser. The Commission will consist of equal numbers of the representatives of the Military Commanders of both sides. The Commission will meet as required throughout the cease- fire. Its functions will include:

- (a) ensuring compliance with agreed arrangements for the security and activities of the forces;
- (b) the investigation of actual or threatened breaches of the cease-fire; and
- (c) such other tasks as may be assigned to it by the Governor in the interests of maintaining the cease-fire.

The Commission will be independent of existing command structures and the Governor may at his discretion communicate direct with the Commanders of the Rhodesian forces and the Patriotic Front forces concerning the exercise of their respective functions. Any member of the Commission may invite it to discuss any questions which appears to him to be relevant to its functions.

3. The British Government will be responsible for the establishment of a monitoring force under the command of the Governor's Military Adviser. This force will assess and monitor impartially all stages of the inception and maintenance of the cease- fire by the forces and assist the Cease-fire Commission in its tasks. The Commanders of the Rhodesian forces and of the Patriotic Front forces undertake to co-operate fully with the monitoring force and to provide it with whatever facilities are necessary to assist it to discharge its functions.

4. Elements of the monitoring force will be assigned:

- (a) to maintain contact with the command structures of the Rhodesian forces and Patriotic Front forces throughout Rhodesia;



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(b) to monitor and observe the maintenance of the cease-fire by the respective forces; and

(c) to monitor agreed border-crossing points and the use made of them in accordance with such arrangements as may be agreed in the context of the cease-fire.

5. Members of the monitoring force will carry weapons for their personal protection only and will be provided with vehicles and aircraft carrying a distinctive marking. The force will be equipped with an independent radio communications network.

6. The parties recognise that disengagement of the forces will be essential to an effective cease-fire and the deployment of the monitoring force. At 2400 hours on 28 December 1979, the Rhodesian armed forces, under the directions of the Governor, will therefore disengage to enable the Patriotic Front forces inside Rhodesia to begin the process of assembly. Elements of the monitoring force will be deployed to the command structure and bases of the Rhodesian forces and to assembly places and rendezvous positions designated for the Patriotic Front forces.

7. The Patriotic Front forces at present in Rhodesia will report with their arms and equipment to rendezvous positions (RPs) and will proceed thereafter to assembly places as indicated in the Appendix to this agreement. The process of assembly will take place under the direction of the Commanders of the Patriotic Front forces and under the auspices of the monitoring force.

8. Movement to assembly places will be completed by 2400 hours on 4 January 1980. The process of assembly will take place with the assistance of the monitoring force. Arrangements will be made for the accommodation, security and other agreed requirements of the Patriotic Front forces.

9. The Rhodesian armed forces will comply with the directions of the Governor. There will be reciprocal disengagement by the Rhodesian forces, in relation to the successful accomplishment of the assembly process by the Patriotic Front forces.

10. With effect from cease-fire day, all forces will comply with the cease-fire and with the directions of the Governor. Any forces which fail to comply with the cease-fire or with the directions of the Governor will be deemed to be acting unlawfully.

11. The primary responsibility for dealing with breaches of the cease-fire will rest with the Commanders of the forces through the mechanism of the Cease-fire Commission and with the assistance of liaison officers of the monitoring force. The Commanders will ensure, with the assistance of the monitoring force, that breaches of the cease-fire are contained and dealt with. In the event of more general or sustained breaches of the cease-fire the Governor will decide what action to take to deal with them with the forces which have accepted his authority.

12. The parties undertake to issue clear and precise instructions to all units and personnel under their command to comply scrupulously with the arrangements for bringing the cease-fire into effect. They will make announcements, immediately following the conclusion of this agreement, which will be broadcast regularly through all appropriate



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channels to assist in ensuring that instructions to maintain the cease-fire reach all the forces under their command and are understood by the public in general.

13. The parties to this agreement renounce the use of force for political objectives. They undertake to accept the outcome of the elections, to comply with the directions of the Governor and to resolve peacefully any questions relating to the future composition of the armed forces and the training and resettlement of military and civilian personnel.

Signed at Lancaster House, London this twenty-first day of December 1979

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Mr. J. E. Hughes

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Mr. J. E. Hughes

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Mr. J. E. Hughes

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Mr. J. E. Hughes

**ATTACHMENT TO CEASE-FIRE AGREEMENT
RHODESIA: CEASE-FIRE NEGOTIATIONS STATEMENT
BY THE CHAIRMAN ON 11 DECEMBER 1979**

1. The substance of the British Government's proposals for a ceasefire has been set out in the Ceasefire Agreement circulated to the Conference. This is in accordance with the ceasefire proposals which have already been agreed. It remains to reach conclusions on matters of practical detail, so that the cease-fire can be implemented.

2. It has been agreed that the purpose of the ceasefire is to bring an immediate end to hostilities and to establish peaceful conditions which will allow elections to take place, the people of Rhodesia to choose their future government and Zimbabwe to become independent on the terms which have been agreed at this Conference. The British Government has accepted direct responsibility for the administration of Rhodesia during the pre-independence period, through the appointment of a Governor with executive and legislative powers. It will be the Governor's duty to administer the country so that free and fair elections can be held under his authority. It is essential therefore that the British Government should state the arrangements which it is prepared to make in connection with a ceasefire, as in connection with all the other matters concerning the pre-independence period on which it has made its position clear and on which all parties to the Conference are now agreed. Both sides have agreed to resolve their political differences through elections held under British authority on the basis of a democratic constitution which all have accepted. In these circumstances there can be no justification for any party to continue the war.



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3. In further refining our ceasefire proposals I would like to make it clear from the outset that there can be no question of surrender by either side. All the forces which comply with the agreement, which accept the Governor's authority and comply with his directions will retain their arms and equipment, will be treated honourably, and will be lawful. Neither side will threaten the security of the other. A fully effective ceasefire, respected by all the forces, will foster an atmosphere of confidence in which the future Government will be able to resolve post-war military problems and decide the future of all the forces at its disposal.

4. It is impossible for any external authority or force to guarantee that a ceasefire will be effective. Only the parties themselves can ensure this. The purpose of the British Government's proposals is to help the forces to initiate and maintain a ceasefire through arrangements by which they can be separated from their present inter-locked positions; infringements can be avoided so far as possible and contained where they have taken place; and there can be effective monitoring of each side's conduct. The task of a monitoring force is not and cannot be to compel either side to maintain a ceasefire, or in any sense to guard the forces of one side or the other. Its task is to observe and report on the manner in which the forces maintain the ceasefire agreement and thus give them an assurance that it will not be possible for any force to conduct activities in breach of the ceasefire in disregard of the Governor's instructions.

5. A conflict is at present taking place in which the armed forces of both sides are inter-locked over a wide area of the country. A substantial proportion of the armed forces of one side is also located in positions outside the country. It is necessary to establish the peaceful conditions for elections through an effective ceasefire and the separation of the forces. It follows that steps must be taken which will ensure as far as possible that during the pre-independence period:

- (a) There is a cessation of cross-border military activity by both sides;
- (b) the forces inside the country cease hostilities and are separated;
- (c) all forces which are prepared to cease fire and to accept the Governor's authority are identified and comply with his directions; and
- (d) forces which do not accept the Governor's authority are unlawful.

6. The first step to be taken to secure these objectives is for the commanders of the forces on both sides in the conflict simultaneously and reciprocally to instruct their forces to desist from all cross-border movement and operations. Compliance with such instructions can be verified and the British Government has already called on the parties to the Conference to reach an agreement on this question without delay.

7. It is crucial to the achievement of a ceasefire within Rhodesia that the Commanders of the forces at present in the country should accept the authority of the Governor and be responsible to him for the maintenance of the ceasefire by all the forces under their command. It is only in this way that the leaders of the political parties and the people as a whole can be assured that the opposing forces have been brought under lawful authority.



8. In the circumstances prevailing in Rhodesia it will not be sufficient for the Governor to instruct the forces which have accepted his authority simply to cease firing and remain in their present positions. A ceasefire in these circumstances would have no chance of being preserved and a monitoring force could not be deployed. Nor would any machinery exist through which disputes could be resolved. The British Government's proposals are designed to create the condition for an effective ceasefire by the establishment of such machinery and the disengagement of the forces.

The Ceasefire Commission

9. The British Government has proposed the establishment of a Ceasefire Commission on which the commanders of the Rhodesian forces and of the Patriotic Front forces will be represented and which will meet under the chairmanship of the Governor's Military Adviser. The Commission will meet as often as necessary throughout the ceasefire. It will be established on ceasefire day and will remain in operation until independence day. It will provide a forum in which each side can seek assurance that the ceasefire agreement is being complied with. It will be able to call for reports on breaches of the ceasefire and discuss measures to contain them and to prevent their recurrence.

Any member of the Commission will be able to raise any question which he believes to be relevant to the maintenance of the ceasefire. The Commission will not give directions to the forces on either side - that will be a matter for the Governor - but will be free to make recommendations to the Governor.

The Monitoring Force

10. The Ceasefire Commission will be assisted by a substantial monitoring force, under the command of the Governor's Military Adviser. The monitoring force will be under United Kingdom auspices, with the participation of contingents from Australia, New Zealand, Kenya and Fiji. I would like to pay tribute to the Governments concerned for their contribution to the process of bringing a settlement into effect. The force is on stand-by and can be deployed to Rhodesia within the next few days.

11. The force will number some 1,200 men. It will be equipped with its own vehicles, helicopters and C130 aircraft. It will have an independent and secure radio communications network. Members of the force will carry personal weapons for their own self-defence. Their uniforms, vehicles and aircraft will carry distinctive insignia which will make them easily recognisable by the forces and by the general public.

12. When fully deployed, the monitoring force will be in contact with the command structures of the Patriotic Front forces and the Rhodesian forces throughout the country. It will monitor and observe the maintenance of the ceasefire by all the forces. It will also monitor border crossing points and the use made of them in accordance with the ceasefire agreement.

13. Senior officers of the monitoring force will be attached to each of the Joint Operations Commands (JOCs) of the Rhodesian forces. Each of these officers will



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command a series of monitoring teams which will be attached to the sub-JOCs and company bases of the Rhodesian forces within each JOC's operational area.

14. This organisation will be paralleled in relation to the Patriotic Front forces. A senior officer will be located with a representative of the Patriotic Front forces responsible for each group of assembly places allocated to the Patriotic Front. Under each such officer's command there will be a series of monitoring teams attached to the forces of the Patriotic Front in their places of assembly.

15. We have next had to consider the arrangements under which the forces will disengage and the monitoring force will be deployed. We cannot arrange for the simultaneous deployment of monitoring teams to both sides, because the Patriotic Front forces are diffused and will not, at the outset of the process, be identified to the monitoring force. The Rhodesian forces will make the first move by (a) accepting the Governor's authority and agreeing to comply with his directions; (b) the monitoring teams allocated to the Rhodesian forces will then be deployed through their command structure down to company base level; (c) on ceasefire day the Rhodesian forces will disengage from the Patriotic Front forces by moving into the close vicinity of bases to permit the Patriotic Front to assemble their forces.

16. It will then be for the Patriotic Front to assemble their forces via rendezvous points to assembly places at which they can be monitored. The process of assembly will be continuous. For this purpose, it will be necessary for the Patriotic Front, under the auspices of the monitoring force, to send representatives to each of the rendezvous points. The Patriotic Front forces will make their way with their arms and equipment to the rendezvous points, where they will be under the authority of their own Commanders. From there they will move to their assembly places in transport which will be provided for them, with their arms and equipment and under their own command. This movement will take place under the auspices of the monitoring force, who will be in direct communication with the teams attached to the Rhodesian forces so that each side can be informed of the other's movements and there can be no misunderstanding of each other's intentions.

17. Monitoring teams will also be established from the outset at the assembly places themselves and will meet the Patriotic Front forces as they arrive. In their assembly places the Patriotic Front forces will retain their arms and equipment and will remain under their own commanders. They will be responsible for the organisation and discipline of their forces.

18. The Patriotic Front delegation have expressed concern about the ability of their commanders to transmit ceasefire orders to their men in the field. But the British Government stands ready, in conjunction with the monitoring force, to arrange whatever facilities the Patriotic Front commanders require to ensure that their orders reach their men in the field. We are prepared to help with this in terms of broadcasting and other radio facilities, transport, etc.

19. By the time the assembly process is complete we shall have reached a point at which the forces which have accepted the Governor's authority are known and identified; the



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opposing forces have been separated from each other; and monitoring teams are located with the forces of both sides so that their maintenance of the ceasefire can be observed. If any force does not comply with the ceasefire agreement and with the Governor's directions it will be acting unlawfully. The commanders on both sides will be answerable to the Governor for the maintenance of the ceasefire by their respective forces. If there are breaches of the ceasefire, it will be for the Commanders to deal with these, through the machinery of the Ceasefire Commission and with the assistance of the monitoring force. If there are repeated and sustained breaches of the ceasefire, the Governor will have to decide what action to take to deal with these with the forces which have accepted his authority.

20. Our proposals are designed to bring about reciprocal disengagement. The Rhodesian forces will be monitored to the level of their sub- JOCs and company bases from the first day of the ceasefire. These arrangements will apply to the Patriotic Front once they have identified and assembled their forces at places from which they too can be monitored and be in contact with the Ceasefire Commission. It is in their interests that they should do so to enable the arrangements for their security, accommodation and other agreed requirements to be adequately provided for.

21. The assembly places allocated to the Patriotic Front have been chosen in relation to their operational areas and to the requirement that they must not be in close proximity to Rhodesian bases.

They must contain certain indispensable facilities, including road access and an airstrip for the re-supply of the Patriotic Front Forces and the monitoring teams. We have made a selection of assembly places which meet these criteria, particularly the question of the security of the Patriotic Front forces, about which the Patriotic Front delegation have expressed concern. I would like to make it quite clear that the British Government cannot accept that Patriotic Front forces which assemble under the auspices of the monitoring force and which accept the Governor's authority and comply with his directions will be in any danger of attack from other forces. There could, in these circumstances, be no danger to their security. I am conscious of the concern expressed by the Patriotic Front that their assembly places should not be in close proximity to Rhodesian bases and that they should not be "encircled". There has never been any question of the Patriotic Front forces being encircled. They will be under the authority of their own commanders; and other forces will not be in close proximity to them.

22. Our intention is to circulate to the Conference later today maps prepared by our military experts which will show where the monitoring force will be located in relation to the forces both during the process of assembly and after it has been completed. In doing this, we have taken account of the information which the delegations have given us about their force levels. The Salisbury delegation have declared to us their force levels. These will be rendered public as soon as the Patriotic Front have put forward their own force levels. The Rhodesian force levels include all the forces mentioned by the Patriotic Front leaders, including the guard force and auxiliaries. These force levels correspond to our own independent estimates, and we believe them to be realistic.



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23. In the absence of any information from the Patriotic Front about their force levels inside Rhodesia, we have been obliged to proceed on the basis of our own independent estimates of those force levels. These estimates reveal an important disparity in numbers between the size of the Rhodesian forces and of the Patriotic Front forces. The arrangements we are proposing for disengagement have to take account of this disparity in numbers as well as of other factors, including the need to make use of logistic and other facilities. We have therefore proposed that the Patriotic Front forces should report to rendezvous points which are spread throughout the country and which are in close proximity to all their forces; and that they should then assemble in places which are situated in their operational areas; which are not in close proximity to Rhodesian bases and which are in locations which take account of the need to enable the Patriotic Front personnel assembled in them to feel secure. We have similarly proposed that the Rhodesian forces should be monitored down to the level of their company bases.

24. I cannot stress too strongly the importance of our having accurate knowledge of the respective force levels. Both the other delegations at this Conference have expressed concern that the other side may have forces inside Rhodesia or may bring forces into Rhodesia which will not be monitored and will not comply with the ceasefire. We have proposed comprehensive arrangements for the monitoring of the Rhodesian forces from ceasefire day. It will not be possible to make similar arrangements for the Patriotic Front forces unless and until they assemble their forces and give us firm assurances that they will not move forces outside the country into Rhodesia.

25. The Patriotic Front delegation have asked on several occasions in this Conference about the dispositions of the Rhodesian forces. The maps which we shall be circulating this afternoon will show that, given the balance of the forces at present inside the country, the monitoring force will be deployed to the forces on both sides in proportions which are related to their respective strengths. The Rhodesian forces will, as I have already said, have dis-engaged to the close vicinity of their bases to allow the Patriotic Front forces to assemble. What happens in the next phase will depend crucially on what happens in the assembly phase. If Patriotic Front forces remain in the field or continue to be introduced from outside the country, those forces will be unlawful. If, however, all Patriotic Front forces inside Rhodesia assemble with their arms and there is no further movement by externally-based Patriotic Front forces into Rhodesia, there would be no need in those circumstances for the Governor to ask the Rhodesian forces to deploy from their company bases.

26. Finally, I am conscious of the concern on both sides about the situation which might arise after the elections. I have made it clear that if this is the general wish the monitoring force would stay in Rhodesia until the independence government is formed and independence is granted; and would try to help in overcoming any problems which might arise in this period. It will be for the independence government to request whatever assistance it requires in the future training or re-settlement of the forces.

27. Once our maps have been distributed to the delegations this afternoon, we shall have given the Conference the fullest possible exposition of our plans. This is therefore the full presentation of the British Government's ceasefire proposals. The monitoring force is standing by and is ready to go to Rhodesia in the next few days. I have no doubt that,



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on this basis, it will be possible to bring a ceasefire into effect and to begin the assembly process within the next few days. I hope that when you have studied these papers, this document and the maps, you will be able to give us your earliest possible response.

ATTACHMENT TO CEASE-FIRE AGREEMENT RHODESIA: CEASE-FIRE ARRANGEMENTS

1. The British Government puts forward the following amplified proposals for the establishment and maintenance of a comprehensive monitored cease-fire agreement.

Basis of the Cease-fire

2. The purpose of the cease-fire is to bring an immediate end to hostilities and to establish peaceful conditions which will allow elections to take place, the people of Zimbabwe to choose their future government and Zimbabwe to become independent on the terms which have been agreed at this Conference. Given a commitment by all the parties to abide by the results of the elections, it will also provide a basis on which post-war military problems can be resolved by agreement and a lasting peace can be established.

Responsibility for the Cease-fire

3. The Commanders of the forces involved will be directly responsible to the Governor for the maintenance of the cease-fire by all the forces under their command.

4. The Governor will be assisted by a British Military Adviser of the rank of Major-General. The Rhodesian security forces and the Patriotic Front will nominate equal numbers of military representatives to a Cease-fire Commission which will be established in Salisbury from the beginning of the cease-fire. The Chairman of the Commission will be the Governor's Military Adviser. The Commission will meet as required throughout the cease-fire. Its functions will include:

(a) ensuring compliance with agreed arrangements for the security and activities of the forces;

(b) the investigation of actual or threatened breaches of the cease-fire; and

(c) such other tasks as may be assigned to it by the Governor in the interests of maintaining the cease-fire.

The Commission will be independent of existing command structures and the Governor may at his discretion communicate with any commander concerning the exercise of their functions. Any member of the Commission may invite it to discuss any question which appears to him to be relevant to its functions.

Monitoring the Cease-fire



5. The British Government will be responsible for the establishment of a monitoring force which will assess and monitor impartially all stages of the inception and maintenance of the cease-fire by the forces and assist the Ceasefire Commission in its tasks. The organisations will operate under the authority of the Governor and the command of his Military Adviser. The Commanders of the Rhodesian security forces and of the Patriotic Front forces will be required to undertake to co- operate fully with the monitoring force and to provide it with whatever facilities are necessary to assist it to discharge its functions.

6. Elements of the monitoring force will be assigned:

(a) to maintain contact with the Rhodesian security forces and Patriotic Front forces command structures throughout Rhodesia;

(b) to monitor and observe the maintenance of the cease-fire by the respective forces; and

(c) to monitor agreed border-crossing points and the use made of them in accordance with such arrangements as may be agreed in the context of the cease- fire.

7. For this purpose liaison and monitoring teams will be established as follows:

(a) five liaison teams, each led by a senior officer (ie of the rank of Lieutenant-Colonel) will be assigned to maintain contact with each of the security forces Joint Operations Commands (JOCs);

(b) a number of teams of equivalent rank will be assigned to maintain contact with the Patriotic Front forces command structure;

(c) fifteen teams, each led by a junior officer (ie Captain or Lieutenant) will be located with the security forces at sub-JOC level;

(d) a number of teams led by a Lieutenant or Senior NCO will be located at security forces company base level;

(e) up to fifteen teams, each led by an officer, will be located at places designated for assembly of Patriotic Front forces;

(f) up to twelve teams, each led by an officer, will be located at border crossing points; and

(g) two teams, each commanded by an officer of the rank of Flight Lieutenant or Squadron Leader, will be located at military airfields.

8. The force will be organised under British auspices; and the majority of its personnel will be British. The Australian, New Zealand, Kenyan and Fijian governments have agreed to participate in the monitoring force. Members of the force will carry weapons



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for their personal protection only and will be provided with vehicles and helicopters carrying a distinctive marking. The force will be equipped with an independent radio communications network.

Dispositions of the Forces

9. Disengagement of the forces will be essential to an effective cease-fire and the deployment of the monitoring force. The activities of the security forces and their maintenance of the cease-fire will be monitored from their existing bases. In the case of the Patriotic Front forces at present inside Rhodesia, it will be essential that they should assemble at pre-determined places so that their maintenance of the cease-fire can be similarly monitored and arrangements can be made for their security, accommodation and other agreed requirements.

10. Up to fifteen such places will be designated for this purpose. In addition, a larger number of intermediate collection points will be designated to which Patriotic Front personnel will report with their arms and equipment during the initial phase of the cease-fire and from which they will make their way by agreed safe-routes to their assembly places. A Patriotic Front representative and a monitoring team will be present at each intermediate collection point during this phase. The police and defence forces will not be involved in the assembly process and will not be present at the collection points. Patriotic Front personnel will be guaranteed safe passage from the collection points to their assembly places.

Cross-Border Activity

11. A major objective of the cease-fire arrangements must be to secure a cessation of all movement by the security forces into neighbouring countries and by the Patriotic Front forces into Rhodesia. The Governor will be responsible for ensuring compliance with this requirement by the forces inside Rhodesia. The governments of Zambia, Botswana and Mozambique will be invited to agree on effective cross-border liaison arrangements to ensure compliance with this requirement for forces based outside Rhodesia and to prevent cross-border movements by such forces. This will involve the establishment of liaison officers outside Rhodesia. At the same time, provision must be made to permit the return of civilian personnel to Rhodesia during the cease-fire in order to vote or engage in other peaceful political activity. Up to twelve border crossing points will be established, under the supervision of the monitoring force, for this purpose.

The Time Scale

12. A fully effective cease-fire cannot come into operation immediately. Time will be required for the transmission of orders to subordinate commanders in the field and for the implementation of the agreed arrangements for the separation of the opposing forces. But it is essential that the cease-fire should be brought into operation quickly if it is to be effective. It is therefore proposed that as soon as agreement has been reached on the cease-fire:-



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(a) All parties should issue instructions forthwith for its implementation on a given date. All cross-border military activity will cease. Elements of the monitoring force will be despatched to Rhodesia;

(b) On cease-fire day the Cease-fire Commission will be established. The monitoring force will deploy to the collection points and assembly places for the Patriotic Front forces. All hostilities within Rhodesia will cease. The process of assembly of the forces will begin immediately and should take not more than seven days. The completion of the deployment of the monitoring force will have taken place by then.

13. During the cease-fire the responsibility for the maintenance of law and order will rest with the police, acting under the Governor's authority and supervision. All forces which have assembled and accepted the Governor's authority and continue to comply with his directions will be acting lawfully. Any forces which fail to assemble, and fail to accept the Governor's authority and abide by the cease-fire agreement, will be acting unlawfully. The primary responsibility for dealing with breaches of the cease-fire will rest with the Commanders on both sides, through the mechanism of the Cease-fire Commission and with the assistance of the liaison teams operating with the forces at area level. It will be for the Commanders to ensure, with the assistance of the monitoring force, that breaches of the cease-fire are contained and dealt with. In the event of more general or sustained breaches of the cease-fire, the Governor will have to decide what action to take to deal with them with the forces which have accepted his authority.

Instructions to Military Personnel

14. The leaders on each side will ensure that clear and precise instructions are issued to all units and personnel under their command to comply scrupulously with the agreed arrangements for bringing the cease-fire into effect. The leaders of the delegations at the Conference will make announcements, immediately following the conclusion of the cease-fire agreement, which will be broadcast regularly through all appropriate channels to assist in ensuring that instructions to maintain the cease-fire reach all the forces under their command and are understood by the public in general.

The Longer Term

15. An effective cease-fire during the pre-independence period, a peaceful election campaign and an election the result of which is accepted and respected by all parties will bring about a permanent end to the war. Many of those at present under arms will wish to return to civilian life. Others will wish to continue to pursue a military career. Decisions on post-war military planning will be a matter for the government which will be constituted following the elections and under which Zimbabwe will become independent. The British Government will be ready to assist with the re-training and resettlement of those elements of the forces which wish to pursue a civil career.

22 November 1979.



**ATTACHMENT TO CEASE-FIRE AGREEMENT
RHODESIA: CEASE-FIRE NEGOTIATIONS
STATEMENT BY THE CHAIRMAN ON 15 DECEMBER 1979**

1. I would like to open this session by reminding delegations of the achievements of this Conference; and achievements there have been. Agreement has been reached on an Independence Constitution providing for genuine majority rule and thereby removing the fundamental cause of the war. That was what it was about. Bishop Muzorewa and his colleagues agreed to hand over authority to a British Governor who is now in Salisbury. The Governor's task is to organise elections in which all parties can participate freely. Agreement has also been reached on our cease- fire proposals. We have now set out their detailed implementation.

2. In order to meet various concerns expressed by the Patriotic Front and to explain our basic proposals, I made a statement on 28 November which was designed to help the Patriotic Front to agree to the cease-fire proposals; and I am very glad that this helped them to do so. In order to meet further concerns expressed by the Patriotic Front and to explain fully our detailed proposals I made a full statement on 11 December and circulated maps to the other delegations to the Conference. My statement of 11 December is incorporated in the final Conference documents.

3. The Patriotic Front have expressed concern about the number of assembly places allocated to them in relation to the size of their forces. Equally strongly felt anxieties have been expressed by the Salisbury delegation as to whether there will be an effective assembly and a cessation of cross-border movement. I can assure the Patriotic Front, however, that if the Patriotic Front forces at present in Rhodesia assemble with their arms and equipment in numbers greater than can be dealt with at the assembly places designated in the cease- fire agreement, the Governor will assess the need for additional sites in relation to the successful accomplishment of the assembly process by the Patriotic Front forces and in relation to the dispositions of their forces.

4. This Conference has now been in session for fourteen weeks. All the issues have been exhaustively discussed. With agreement on the Independence Constitution, a return to legality and free elections in which all parties can participate there can be no reason for anyone to continue the war. The whole purpose of our proposals is to offer everyone an alternative to continuing the war. We cannot oblige any party to accept that alternative; but we do not believe that others will readily understand a decision by any party to continue the war against a lawful authority established to enable elections to be held in which all parties can participate. It will be a matter of very grave disappointment to everybody if it is not possible to reach overall agreement at the Conference after all we have achieved.

5. I hope that both delegations will be able to agree to the documents we circulated to the Conference on 13 December and to agree to initial them.

Signature could then follow very quickly indeed. A cease-fire will then come into effect bringing peace to the people of Rhodesia and the neighbouring countries.



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6. I cannot emphasise too strongly that it is my profound conviction that to deny the people of Rhodesia this opportunity to resolve their problems by peaceful means would be unforgivable. Immense benefits would flow from the signature of these agreements for them and for the people of the other countries who have suffered so much from the war. In other words a peaceful settlement is now, after 14 weeks, today within your grasp.

7. I cannot oblige anyone to take the decisions necessary to enable such a settlement to be put into effect. But I hope that everyone will reflect very seriously on the consequences and the responsibility for a failure to agree to a cease-fire, the essential purpose of which is to enable all the parties to campaign freely throughout the country in elections held under our authority. I ask therefore whether the other delegations are prepared to initial the documents.

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